THE

# HISTORY

OF THE

# WAR IN AMERICA,

BETWEEN

# GREAT BRITAIN

AND

# HER COLONIES,

FROM

Its Commencement to the end of the Year 1778.

In which its ORIGIN, PROGRESS, and OPERATIONS are faithfully related, together with Anecdotes and Characters of the different Commanders, and Accounts of ſuch Perſonages in Congreſs as have diſtinguiſhed themſelves during the Conteſt.

TO WHICH IS ADDED,

A Collection of Intereſting and Authentic PAPERS tending to elucidate the Hiſtory.

IN TWO VOLUMES.

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INTERESTING AND AUTHENTIC

# PAPERS,

RELATIVE TO THE

# CONTEST

BETWEEN

# GREAT BRITAIN

AND

# HER COLONIES.

# AUTHENTIC PAPERS.

THE diſpute between Great-Britain and America commenced in the year 1764, with an attempt to prevent ſmuggling in America. There are ſome perſons who apprehend the ſeeds of it were ſown much earlier *. They may be right.—But it is not the deſign of this compilation to explain motives, or explore latent cauſes. The object here is, to preſent an impartial collection of authentic Documents; with ſuch additions only, as are abſolutely neceſſary to connect the narrative.

In 1764, the Britiſh miniſtry having come to a reſolution, to prevent, as much as poſſible, the practice of ſmuggling, not only the commanders of the armed cutters ſtationed on the Britiſh coaſts, but of the ſhips ſent to America, were ordered to act in the capacity of revenue officers, to take the uſual Cuſtom-houſe oaths, and obſerve the Cuſtom-houſe regulations; by which that enterpriſing ſpirit of theirs, which had been lately, with great ſucceſs, exerted againſt the common enemy, was now directed and encouraged againſt the ſubject. Trade was injured by this meaſure. The gentlemen of the navy were not acquainted with Cuſtom-houſe laws, and therefore many illegal ſeizures were made. The ſubject in America could get no redreſs but from England, which was tedious and difficult to obtain.

A trade had for many years been carried on between the Britiſh and Spaniſh colonies, conſiſting of the manufactures of Great-Britain, imported by the Britiſh colonies as for their own conſumption, and bought with their own produce; for which they were paid by the Spaniards in gold and ſilver, ſometimes in bullion and ſometimes in coin, and with cochineal, &c. occaſionally. This trade was not literally and ſtrictly according to law, yet the advantage of it being obviouſly on the ſide of Great-Britain and her colonies, it had

* See Remembrancer, vol. 1, page 24.

been connived at. But the armed ſhips, under the new regulations, ſeized the veſſels; and this beneficial traffic was ſuddenly almoſt deſtroyed. Another trade had been carried on between the North American colonies and the French Weſt India iſlands, to the great advantage of both, as well as to the mother country. Theſe matters had been winked at many years, in conſideration of the quantity of manufactures our North American colonies were thereby enabled to take from us. This advantageous commerce not only prevented the Britiſh colonies being drained of their current ſpecie by the calls of the mother country, but added to their common circulation of caſh; which encreaſed in proportion with the trade. But this trade being alſo cut off, by the cruizers, all America became uneaſy.

On the 10th of March, 1764, the Houſe of Commons agreed to a number of reſolutions reſpecting the American trade; upon ſeveral of which, a bill was brought in, and paſſed into a law, laying heavy duties on the articles imported into the colonies from the French and other iſlands in the Weſt Indies; and ordering theſe duties to be paid, in ſpecie, into the Exchequer of Great-Britain. As to the Spaniſh trade, the Court of Madrid had always been againſt it; and in complaiſance to that Court, as well as in compliance with the old law, and treaties with Spain, it continued to be prevented, as much as poſſible.

The Americans complained much of this new law; and of the unexampled hardſhip, of firſt being deprived of obtaining ſpecie, and next being ordered to pay the new duties, in ſpecie, into the Treaſury at London; which they ſaid muſt ſpeedily drain them of all the ſpecie they had. But what ſeemed more particularly hard upon them, was, a bill brought in the ſame ſeſſion, and paſſed into a law, "To reſtrain the currency of paper money in the colonies."

At the end of the ſeſſion, the King thanked the Houſe of Commons, for the "wiſe regulations which had been eſtabliſhed to augment the public revenues, to unite the intereſts of the moſt diſtant poſſeſſions of his crown, and to encourage and ſecure their commerce with Great-Britain."

*Extract of a letter from Penſacola, (Weſt Florida,) dated Decem. 13, 1764.*

"EVERY thing here is put into a dull ſtate, by the men of war obſtructing the Spaniards from trading with us. We had

had four veſſels here lately, but they were not permitted to trade, which is the greateſt misfortune that could have befallen us in this young ſettlement, and which I think at the ſame time will be no ſmall loſs to our mother country, being thereby prevented from vending a very conſiderable quantity of its manufactures."

Letters to the ſame purport came from all the colonies.

*Extract of a Letter from Kingſton, in Jamaica, dated January 27, 1765.*

" KINGSTON, which uſed to be a place of great trade and hurry, is become as ſtill as a deſart, ſince we were ſo wiſe to baniſh our beſt friends the Spaniards, and now the current of that valuable commerce is turned in favour of the French and Dutch, who have made their ports free, and taking the advantage of our miſconduct, have promiſed them ſafety, and ſo deal with them for all the European goods, upon the ſame terms the Engliſh did. Were I to depend on the ſale of goods I had from you, I ſhould not be able to remit the money theſe two or three years."

*Part of a letter from Jamaica to a friend in London, dated May 12, 1765.*

" WE are in the moſt deplorable ſtate ever known in this iſland: that channel through which all the money we had came among us, is entirely ſtopped up; and, what is moſt aſtoniſhing, is, that this meaſure ſhould be taken with you, who receive ſo much benefit from the encouragement of it."

The Continental Colonies were exceedingly offended. In ſeveral places the inhabitants had meetings, and they reſolved, in reſentment, not to buy any cloathing they could poſſibly do without, that was not of their own manufacturing. Several aſſociations were formed, and it was reſolved, every where, to conſume as few Britiſh manufactures as poſſible; and to ſet about manufacturing ſome articles themſelves, the materials of which they had in great plenty of their own production.

*Boſton, (in New-England) March* 30, 1765. Funerals without mourning, or the giving of Engliſh gloves, is become ſo faſhionable, that there has been but one burial for many months paſt in the old faſhion way. We are much indebted to thoſe patriots who firſt ſet this example of frugality, by

which this town only has made a ſaving laſt year of near 10,000l. ſterling. Other towns and provinces have copied the example, and experience its utility. It is a pleaſure to behold what other ſavings are made by laying aſide a multitude of ſuperfluous articles of Britiſh manufactures and Britiſh produce.

At the ſame time (March 10, 1764) the Houſe of Commons reſolved, that it was proper to charge certain ſtamp duties in the colonies and plantations.

This reſolution was not this year followed by any bill, being only to be held out as an *intention*, for next year. It was propoſed, and agreed to, in a thin Houſe, late at night, and juſt at the riſing, without any debate.

The aſſemblies of Maſſachuſetts-Bay and New-York, were alarmed at this reſolution. They came to ſome reſolutions upon it; which, with a petition from each, to the Houſe of Commons, againſt it, were tranſmitted to the Board of Trade in England. They were laid before the Privy Council on the 11th of December, 1764. The Privy Council adviſed the King to lay them before Parliament. They were never laid before Parliament—they were ſuppreſſed.

In the ſpring of 1765, the American agents in London were informed by adminiſtration, That if the colonies would propoſe any other mode of raiſing the ſum intended to be raiſed by ſtamp duties, their propoſal would be accepted, and the ſtamp duty laid aſide. *(See third volume of* Remembrancer, *page* 253). The agents ſaid they were not authorized to give any anſwer, but that they were ordered to oppoſe the bill when it ſhould be brought into the Houſe, by petitions queſtioning the right claimed by parliament of taxing the colonies.

The bill laying a ſtamp duty in America, paſſed in March, 1765.

The following was printed at the time as part of the Debates on the bill:

Mr. *Grenville*, after ſpeaking long in favour of the bill, concluded with ſaying, "Theſe children of our own planting (ſpeaking of the Americans) nouriſhed by our indulgence, until they are grown to a good degree of ſtrength and opulence, and protected by our arms, will they grudge to contribute their mite to relieve us from the heavy load of national expence, which we lie under?"

*Colonel*

*Colonel Barré* replied, " *Children planted by your care!* No! your oppreſſion planted them in America; they fled from your tyranny, into a then uncultivated land, where they were expoſed to almoſt all the hardſhips to which human nature is liable, and among others, to the ſavage cruelty of the enemy of the country, a people of the moſt ſubtle, and I take upon me to ſay, the moſt truly terrible, of any people that ever inhabited any part of GOD'S EARTH; and yet, actuated by principles of true Engliſh liberty, they met all theſe hardſhips with pleaſure, compared with thoſe they ſuffered in their own country, from the hands of thoſe that ſhould have been their friends.

" *They nouriſhed up by your indulgence!* They grew by your neglect of them: as ſoon as you began to care about them, that care was exerciſed in ſending perſons to rule over them, in one department and another, who were, perhaps, the deputies of ſome deputy, ſent to ſpy out their liberty, to miſrepreſent their actions, and to prey upon them; men, whoſe behaviour, on many occaſions, has cauſed the blood of thoſe ſons of liberty to recoil within them; men promoted to the higheſt ſeats of juſtice, ſome, to my knowledge, were glad, by going to foreign countries, to eſcape being brought to a bar of juſtice in their own.

" *They protected by your arms!* They have nobly taken up arms in your defence, have exerted their valour amidſt their conſtant and laborious induſtry, for the defence of a country, whoſe frontiers, while drenched in blood, its interior parts have yielded all its little ſavings to your enlargement; and *believe me, remember I this day told you ſo,* That the ſame ſpirit which actuated that people at firſt, will continue with them ſtill; but prudence forbids me to explain myſelf any further. God knows, I do not at this time ſpeak from motives of party heat. However ſuperior to me, in general knowledge and experience, any one here may be, yet I claim to know more of America, having ſeen and been more converſant in that country. The people there are as truly loyal, I believe, as any ſubjects the King has; but a people jealous of their liberties, and who will vindicate them if they ſhould be violated;—but the ſubject is delicate. I will ſay no more."

At the end of the ſeſſion, the King ſaid to the Houſe of Commons, " I have ſeen, with the moſt perfect approbation, that you have employed this ſeaſon of tranquility in promoting

promoting thoſe objects which I have recommended to your attention, and in framing ſuch regulations as may beſt inforce the juſt authority of the legiſlature, and, at the ſame time, ſecure and extend the commerce, and unite the intereſts of every part of my dominions."

The objections of the people of America to the ſtamp act, were of three kinds.

Firſt, The powers given by the act to Vice-Admiralty courts in America, they ſaid, would prove exceedingly grievous to the ſubject, by the diſtance of them; and more ſo, by depriving the ſubject of his trial by jury, which was allowed in England.

Secondly, Becauſe the ſtamp duty would entirely drain the colonies of their ſpecie.

Thirdly, Not being repreſented in the Parliament of Great-Britain, that Parliament, they affirmed, had no right to tax them. Themſelves only were the proper, and beſt judges of their ability; they claimed a right to the exerciſe of this judgment, and to the ſole and excluſive right of impoſing taxes upon themſelves.

As ſoon as they were informed the ſtamp act had paſſed, the whole continent of America was thrown into a flame.

The province of Virginia took the lead. On the 29th of May, 1765, the Houſe of Burgeſſes of Virginia, came to the following reſolutions:

Whereas the Honourable Houſe of Commons in England, have of late drawn into queſtion, how far the General Aſſembly of this colony hath power to enact laws for laying taxes and impoſing duties, payable by the people of this, his Majeſty's moſt ancient colony; for ſettling and aſcertaining the ſame to all future times, the Houſe of Burgeſſes of this preſent General Aſſembly have come to the ſeveral following reſolutions:

*Reſolved*, That the firſt adventurers and ſettlers of this his Majeſty's colony and dominion of Virginia, brought with them, and tranſmitted to their poſterity, and all other his Majeſty's ſubjects ſince inhabiting in this his Majeſty's colony, all the privileges and immunities that have at any time been held, enjoyed, and poſſeſſed by the people of Great-Britain.

*Reſolved*, That by the two royal charters granted by King James the Firſt, the coloniſts aforeſaid are declared entitled to all privileges of faithful liege and natural born ſubjects,

to

to all intents and purpoſes, as if they had been abiding and born within the realm of England.

*Reſolved*, That his Majeſty's liege people of this his moſt ancient colony, have enjoyed the right of being thus governed by their own aſſembly, in the article of taxes and internal police, and that the ſame have never been forfeited, or any other way yielded up, but have been conſtantly recognized by the King and people of Great-Britain.

*Reſolved*, Therefore, that the General Aſſembly of this colony, together with his Majeſty or his ſubſtitute, have, in their repreſentative capacity, the only excluſive right and power to lay taxes and impoſitions upon the inhabitants of this colony; and that every attempt to veſt ſuch a power in any perſon or perſons whatſoever, other than the General Aſſembly aforeſaid, is illegal, unconſtitutional, and unjuſt, and has a manifeſt tendency to deſtroy Britiſh, as well as American freedom.

*The following Reſolves were not paſſed, only drawn up by the Committee.*

*Reſolved*, That his Majeſty's liege people, the inhabitants of this colony, are not bound to yield obedience to any law or ordinance whatſoever, deſigned to impoſe any taxation whatſoever upon them, other than the laws and ordinances of the General Aſſembly aforeſaid.

*Reſolved*, That any perſon who ſhall, by ſpeaking or writing, maintain that any perſon or perſons, other than the General Aſſembly of this colony, have any right or power to impoſe or lay any taxation whatſoever on the people here, ſhall be deemed an enemy to this his Majeſty's colony.

The ſtamp act was printed and cried about the ſtreets at New York by the title of *The Folly of England, and Ruin of America*. On the 14th of April, the guns at Philadelphia were diſcovered to be all ſpiked up, and on looking at thoſe of the barracks, they were found to be ſerved in the ſame manner, to the great ſurprize and uneaſineſs of the inhabitants. Letters arrived in London, from Boſton, in New England, dated the 1ſt and 6th of April, expreſſing the alarm that the news of the ſtamp act had thrown the people into, the heart-burnings encreaſed during the ſummer, and the New York paper, in the beginning of June, 1765, gave ſufficient proofs of the temper with which the coloniſts beheld the approach of the 1ſt of November, on which day the act was to take place. Letters of the ſame tenor came from

from Virginia, dated in June, and from Philadelphia, of the ſame date.

It was not the populace alone who were diſcontented, men of property took the alarm. The General Aſſembly of Virginia having debated on the ſtamp act, and come to the preceding reſolutions; the Governor thought fit to diſſolve them. But when a new election took place, it did not ſeem to be compoſed of men of more paſſive principles, ſince the electors excluded all thoſe members who did not aſſent to thoſe reſolves, while thoſe who did were all re-elected.

At Boſton, in New England, upon the meeting of the Aſſembly, Sir Francis Bernard, the Governor, delivered the following ſpeech to them:

"Soon after my arrival to this government, I formed in my mind an idea of three improvements which this country was capable of making, profitable to itſelf and convenient to Great Britain: I mean pot-aſh, hemp, and the carrying lumber to the Britiſh markets. They are all proper ſtaples for New England, and muſt be very acceptable to Great Britain, as ſhe is at preſent ſupplied with them from foreigners, by a loſing trade.

"I have already had the pleaſure to ſee the firſt of theſe eſtabliſhed with effect, and wanting now nothing but care to preſerve its credit, and prevent the general quality of the goods, which is of a ſuperior kind, being rendered doubtful and ſuſpicious, by the fraudulent practices of particulars. This is a neceſſary caution at the commencement of a new trade; for upon its firſt reputation depends its future ſucceſs. There is already a law for the regulation of this trade, but it wants to be carried into execution; this I muſt deſire may be done this ſeſſion, as it is now becoming immediately wanting.

"You have lately given a public teſtimony of your deſire to promote the production of hemp; I am equally perſuaded of your good intentions to the improvement of the lumber trade; as you muſt be ſenſible of the inſufficiency of the preſent markets for the reception of the great quantity of lumber which is now produced, and which will be continually encreaſing. The Parliament of Great Britain has already given encouragement to the one; and it is hoped that it will alſo extend its bounty to the other.

"Theſe are proper objects of your concern; works, which naturally ariſe in your own country, ſtrengthen your connection

connection with Great Britain, may eaſily be confined within yourſelves, and will ſoon be ſuperior to thoſe of foreign rivals. When theſe are added to your own reſources, they will form a fund, which, with the bleſſing of God, upon your induſtry and frugality, will be adequate to the expence of all neceſſary imports; and you will have no occaſion, as you have hitherto ſhewn no diſpoſition, vainly to attempt to transfer manufactories from their ſettled abode; an undertaking at all times difficult, but, under the diſadvantage of high priced labour, impracticable.

"The general ſettlement of the American provinces, which has been long ago propoſed, and now probably will be proſecuted to its utmoſt completion, muſt neceſſarily produce ſome regulations, which, from their novelty only, will appear diſagreeable. But I am convinced, and doubt not but experience will confirm it, that they will operate as they are deſigned, for the benefit and advantage of the colonies. In the mean time a reſpectful ſubmiſſion to the decrees of the Parliament, is their intereſt, as well as their duty.

"In an empire, extended and diverſified as that of Great Britain, there muſt be a ſupreme legiſlature, to which all other powers muſt be ſubordinate. It is our happineſs that the ſupreme legiſlature, the parliament of Great Britain, is the ſanctuary of liberty and juſtice; and that the prince, who preſides over it, realizes the idea of a patriot King. Surely then, we ſhould ſubmit our opinions to the determinations of ſo auguſt a body; and acquieſce in a perfect confidence, that the rights of the members of the Britiſh empire will ever be ſafe in the hands of the conſervators of the liberty of the whole."

*Extract of a letter from Boſton, in New England, Auguſt 5, 1765.*

"As to public affairs, it would take me up a week's time to write all I could ſay: as to the impoſition of the ſtamp act, (which takes place the 1ſt of November) it will, I believe, be of ſhort continuance; for it is univerſally eſteemed here as arbitrary and unconſtitutional, and as a breach of charter and compact between K—— and ſubject; and we think we have a right to refuſe ſubmiſſion to it.——However, I believe moſt of the ſtamp maſters will be afraid to act in ſuch ſtation as will ſtab their country.

"We

"We have two hundred thouſand inhabitants in this province, and the others in proportion; ſo that it is computed there are about two millions in the whole: from hence you will think it is too late in the day to be dragoon'd out of our rights.

"I have been here about ſixteen years, and I don't know of one ſingle man but would riſque his life and property to ſerve King George the Third; and would do the ſame to maintain his rights, liberty, and property.—Touch our Birth-right, and our body politic, like the human body, ſenſibly feels it, and would do its utmoſt to ſhake it off.

"The cuſtom-houſe books will ſhew that 3000l. leſs is collected ſince the duty of molaſſes has been three-pence, than when one penny: your ſmall men of war have eat the King's proviſions in guarding the coaſts; but have brought neither profit nor credit to their employers."

Theſe diſcontents were general; and they were encreaſed by what they ſtiled an utter inability to pay the tax in ſpecie.

About the beginning of Auguſt, the coloniſts began ſeriouſly to think of the ſteps they were to take. A General Congreſs of the repreſentatives of all the Colonies, was agreed on to meet at New York. The freemen of Providence, in Rhode Iſland, were called together, to confer on ſuch meaſures, "as ſhould appear to them neceſſary, relative to "the *ſtamp act*; whereby the liberties, the darling boaſt of "the Engliſh North American ſubjects, which were once "deemed indefeaſible, muſt be greatly abridged, if not to-"tally annihilated." And accordingly they met, and appointed a committee to prepare ſuitable *inſtructions* to be given their repreſentatives, for their conduct in the General Congreſs, on that occaſion. Theſe inſtructions were prepared, and the freemen being again convened the next day, were laid before them, and approved of. The ſame ſteps were alſo taken by the province of South Carolina.

The houſe of repreſentatives at Boſton, reſolved, That the honourable James Otis, Thomas Ruggles, and Oliver Partridge, Eſqrs. be a committee, to meet the committees of the *Aſſemblies of the whole continent*, at New York, October 1, to unite in a petition to his Majeſty and the Britiſh parliament, for relief under the inſupportable grievance of the ſtamp act. —This was the Firſt Congreſs of the American Continent.

On the 10th of September, the aſſembly of Philadelphia, having appointed a committee to attend at the general con-

greſs

greſs at New York, a letter from the ſpeaker of the Maſſachuſett's aſſembly was read, and the houſe came to the following reſolutions on the queſtions:

Firſt, whether the houſe are of opinion, that, in duty to their conſtituents, they ought to remonſtrate to the crown againſt the ſtamp act, and other late acts of parliament, by which heavy burdens have been laid on the colonies.

Reſolved in the affirmative.

Secondly, whether this houſe will appoint a committee of three, or more of their members, to attend the congreſs propoſed in the foregoing letter, to be held at New York on the firſt of October next, for the purpoſes therein mentioned.

Reſolved in the affirmative.

*Extract of a letter from Boſton, in New England, Auguſt 26.*

"VERY early on Wedneſday morning, the 14th inſtant, were diſcovered hanging, on a limb of the great trees, ſo called, at the South part of this town, two effigies, one of which, by the labels appeared to be deſigned to repreſent a ſtamp officer, the other a jack boot with a head and horns peeping out of the top. The report of the images ſoon ſpread through the town, brought a vaſt number of ſpectators, and had ſuch an effect on them, that they were immediately inſpired with a ſpirit of enthuſiaſm, which diffuſed itſelf through the whole concourſe; ſo much were they affected with a ſenſe of liberty, that ſcarce any could attend to the taſk of day-labour. About duſk the images were taken down, placed on a bier (not covered with a ſheet, except a ſheet of paper which bore the inſcription) ſupported in proceſſion by ſix men, followed by a great concourſe of people, and in the greateſt order, echoing forth, Liberty and Property! No Stamp, &c.—Having paſſed through the town-houſe, they proceeded with their pageantry down King-ſtreet, and thro' Kilby-ſtreet, where an edifice had been lately erected, which was ſuppoſed to be deſigned for a ſtamp-office. Here they halted, and went to work to demoliſh that building, which they ſoon effected, without receiving any hurt, excepting one of the ſpectators, who happened to be rather too nigh the brick wall when it fell. This being finiſhed, many of them loaded themſelves with the wooden trophies, and proceeded (bearing the two effigies) to the top of Fort-hill, where a fire was ſoon kindled, in which one of them was burnt. The populace after this went to work on the barn, fence, garden,

garden, &c. and here it would have ended, had not ſome indiſcretions, to ſay the leaſt, been committed by his friends within, which ſo enraged the people they were not to be reſtrained, though hitherto no violence had been offered to any one. But it is very remarkable, though they entered the lower part of the houſe in multitudes, yet the damage done to it was not ſo great as might have been expected.

"The next day the honourable gentleman, who had been appointed to the duty of diſtributor of the ſtamps when they ſhould arrive, ſuppoſing himſelf to be the object of their deriſion, informed the principal gentlemen of the town, that as it appeared ſo diſagreeable to the people, he ſhould requeſt the liberty of being excuſed from that office; and in the evening the populace re-aſſembled, erected a pyramid, intending a ſecond bonfire; but upon hearing of the reſignation, they deſiſted, and repaired to the gentleman's gate, gave three cheers, and took their departure without damage; but having heard it propagated that an honourable gentleman, at the north part of the town, had been acceſſary in laying on the ſtamp duties, &c. they repaired to his houſe, where, upon being informed by ſome gentlemen of integrity and reputation, that he had not only ſpoke, but wrote to the contrary, they retired, and having patroled the ſtreets, returned to their reſpective habitations, as quietly as they had done the night before."

*Extract of a letter from a gentleman at Philadelphia, to his friend in Briſtol, Sept. 7, 1765.*

"I make no doubt you have been informed, by letters from your friends, as well as by our public news-papers, of the great commotions throughout our colonies in general, which daily increaſe on account of the late ſtamp act for raiſing money amongſt us: What adds to our uneaſineſs is, that we hear our brethren in England cenſure us ſeverely, from a miſtaken opinion that we are unwilling to pay our proportion towards relieving the nation from the heavy burden of debt it now groans under. This is by no means the caſe: We are, and always have been, ready and willing to pay our yearly proportion of that debt. What occaſions this general uneaſineſs and commotion is,—1ſt. That we are to be taxed by this act, without being repreſented on your ſide of the water, or being firſt heard for ourſelves.—2d. That all the monies to be raiſed by this act are to be remitted home to the

the King's Exchequer in ſpecie, and not by bills of exchange, or any other remittance.—3d. That if any offence is committed againſt the act, the offender, if the proſecutor chuſes it, is to be tried by a Court of Admiralty.

"The 1ſt, the coloniſts ſay, is an infringement on the rights and privileges they have ever been entitled to, and enjoyed by their Royal Charter. Had the government at home fixed on any particular ſum to be yearly raiſed and paid by them, and adjuſted their ſeveral proportions, which they well know how to do, and left it to their ſeveral aſſemblies to raiſe the money by ſuch ways and means as they ſhould think moſt eaſy, it might have been readily complied with.—To the 2d, it is impoſſible for the colonies to raiſe one fourth part of ſo much ſpecie as their tax would amount to, as they do not from all their trade import it. Were the remittance to be made in bills of exchange, they might poſſibly make it by them.—This third article is ſo great a ſtride to arbitrary power, and ſo great a violation and infringement on Engliſh liberty, that no Engliſhman can ſubmit tamely to it. Why ſhould the King's ſubjects on this ſide of the water be deprived of the liberty of being tried by civil authority and twelve honeſt jurymen more than in England? Were an attempt to be made of this kind with you, every Engliſhman who has the leaſt ſenſe of his right of liberty would riſe in oppoſition; and you may depend upon it, that unleſs theſe three particulars are altered, the coloniſts will grow more and more uneaſy."

In the midſt of theſe heats, Governor Fauquieur prorogued the General Aſſembly of Virginia, till the 17th of October; and Governor Wentworth prorogued that of New Hampſhire to the 19th of November (eighteen days after the ſtamp act was to be in force).

Mr. Moſſerve, the ſtamp-officer for New Hampſhire, was ſurrounded by above three hundred perſons (ſeveral of whom were men of property) and obliged to engage not to act in his office.

At Providence, a Gazette Extraordinary was publiſhed, on the 24th of Auguſt, with VOX POPULI, VOX DEI, in large letters for the frontiſpiece; and underneath, *Where the Spirit of the Lord is, there is Liberty.* St. Paul.—It congratulated them on the ſpirit of oppoſition that had already been ſhewn in divers parts of North America; and went on in theſe words: "We have glorious accounts from all parts, of

the noble ſpirit of the people in the cauſe of liberty," and concluded an addreſs to the people of New England, thus: "Let me draw towards a concluſion, by obſerving the univerſal ſpirit which now prevails thro' the colonies, to take all *lawful* meaſures to prevent the execution of the ſtamp act here. This laudable zeal hath burſt into a flame in Boſton, and the exertions of the people in that ancient town, who have heretofore been obliged to ſtruggle for their liberties, when infamouſly attacked, as their hiſtory ſhews, plainly indicate that the ſpirit of their fathers reſt upon them, and that they preſerve in their breaſts the noble ſenſations of freedom."

The flame now ran from province to province. and the ſpirit of oppoſition was almoſt univerſal; Mr. Ingerſoll, ſtamp officer of Connecticut, had ſent to Wyndham to a perſon whom he had appointed to be his deputy, to come to him at New Haven, to receive his commiſſion; but the inhabitants at Wyndham, having knowledge of the letter he had received, ſurrounded his houſe, demanded the letter from him, and warned him not to accept the office, which ſo terrified him, that the very ſame poſt he ſent back an abſolute refuſal of taking the charge upon him.

The ſame fate awaited his principal at New Haven, whoſe reſignation of the place of ſtamp officer was printed in the Boſton Poſt Boy of Aug. 24, in the following words:

*To the good People of* CONNECTICUT.

"When I undertook the office of diſtributor of ſtamps for this colony, I meant a ſervice to you, and really thought you would have viewed it in that light, when you came to underſtand the nature of the ſtamp act, and that of the office; but ſince it gives you ſo much uneaſineſs, you may be aſſured, if I find (after the act takes place, which is the firſt of November) that you ſhall not incline to purchaſe or make uſe of any ſtampt paper, I ſhall not force it upon you, nor think it worth my while to trouble you or myſelf with any exerciſe of my office; but if by that time I ſhall find you generally in much need of the ſtampt paper, and very anxious to obtain it, I ſhall hope you will be willing to receive it of me (if I ſhall happen to have any) at leaſt until another perſon more agreeable to you can be appointed in my room.

"I cannot but wiſh you would think more how to get rid of the *ſtamp act*, than of the officers who are to ſupply you with

with paper, and that you had learnt more of the nature of my office before you had undertaken to be ſo very angry at it."

*New Haven,*
*Aug.* 1765. J. INGERSOLL.

This reſignation was much applauded, but ſeems rather to be the effect of fear, than a hearty deſire of complying with the temper of the times; for, when the people aſſembled round his houſe, and demanded, whether he intended to act in that office, or reſign, he anſwered, that as he had accepted the office in perſon he did not think he had power to reſign. They next demanded whether, when the ſtampt paper arrived, he would deliver it to them, to make a bonfire? Or—have his houſe pulled down. To this queſtion he ſtrove to evade giving an anſwer, by deſiring them to wait the meeting of the aſſembly, and ſeveral other pretences; but when he found all unavailing, he then promiſed, "that when they arrived, he would either re-ſhip them to be ſent back; or, when they were in his houſe, he would leave his doors open, that they might then act as they thought proper; this ſatisfied them, and they diſperſed; and the above advertiſement appeared in the paper.

On the 26th of Auguſt, about twilight, a ſmall bonfire was kindled in King-ſtreet, Boſton, and ſurrounded only by a few boys and children; but when the fireward endeavoured to extinguiſh it, he was whiſpered, by an unknown perſon, to deſiſt; which he not regarding, received a blow on his arm, and ſuch other marks of diſpleaſure, as obliged him to withdraw. But preſently after a particular whiſtle and hoop was heard from ſeveral quarters, which inſtantly drew together a great number of perſons, diſguiſed, and armed with clubs, ſticks, &c. who aſſaulted the houſe of William Story, Eſq; deputy regiſter of the Vice-Admiralty, oppoſite the north ſide of the Court-Houſe, the lower part of which, being his office, was broke open, the files and public records of that court were ſeized, and condemned to the flames.

This did not take up half an hour, when they ruſhed onwards (encreaſing in their numbers) to the new-built houſe of Benjamin Hallowell, jun. Eſq; the furniture of which they deſtroyed. About ten o'clock, they attacked the houſe of the Lieut. Governor, which, in a few hours, they ſtript of its furniture; and even his apparel, books, &c. were deſtroyed. After which they diſperſed.

The next morning was the time for holding the aſſize and the ſupreme court of judicature, when the chief juſtice was obliged to attend in his only ſuit, while the gentlemen of the bench and bar were in their reſpective robes. But the chief inhabitants were very ſtrenuous to diſtinguiſh "that tumultuous and outrageous behaviour, from a truly noble oppoſition to the impoſition of internal taxes, without the intervention of the reſpective legiſlatures of the colonies." The peace and good order of the town was reſtored, and preſerved by a nightly military watch, and ſeveral perſons were apprehended and committed to gaol, on ſuſpicion of being concerned in the late riots.

It is proper to remark, that the outrages on the 26th were not only diſavowed by the reputable part of the inhabitants, but, on a ſhorter notice, they met at Fanueil-hall in great numbers, and teſtified their utter deteſtation of the extraordinary and violent proceedings of the unknown perſons the preceding night; and they unanimouſly voted "that the ſelect men and magiſtrates of the town, be deſired to uſe their utmoſt endeavours, agreeable to law, to ſuppreſs ſuch diſorders for the future; and that the freeholders, and other inhabitants, will do every thing in their power to aſſiſt them therein." The next day a proclamation was publiſhed by the governor, offering a reward of 300l. for the diſcovery of any of the ringleaders, and 100l. for any of the other perſons concerned in that riot.

On Tueſday the 27th of Auguſt (for, as if it had been previouſly concerted, the motions throughout the provinces all happened within a few days of each other) about nine o'clock in the morning, the people of Newport, in Rhode Iſland, brought forth the effigies of three perſons, in a cart, with halters about their necks, to a gallows, twenty feet high, placed near the Town-houſe, where they were hung to public view till near night, when they were cut down, and burnt under the gallows, amidſt the acclamations of thouſands.

The next evening they aſſembled again, and beſet the houſe of Martin Howard, jun. Eſq; the furniture, &c. thereof they burnt and deſtroyed, as they did next that of Dr. Thomas Moffat, leaving the houſes mere ſhells. They then proceeded towards the houſe of Auguſtine Johnſton, Eſq; who had been appointed ſtamp-maſter for Rhode Iſland, but were met and parlied with by a gentleman, who, telling them the houſe was not Mr. Johnſton's property, they deſiſted

ſiſted from any farther attempts, but inſiſted that Mr. Johnſton's effects ſhould be delivered to them next day, unleſs he would reſign his place, which he did on his coming to town next day, in the following terms, and then they diſperſed:

*To the Inhabitants of the town of Newport,*

Gentlemen,

"As I find my being appointed the ſtamp-officer of this colony has irritated the people of this town againſt me, though the office was beſtowed on me unaſked and unthought of; and being willing, as far as it is in my power, to reſtore tranquility to the town, do engage, upon my honour, that I will not accept of the ſaid office, upon any terms, unleſs I have your conſent for the ſame.

AUGUSTINE JOHNSTON."

*Auguſt* 29, 1765.

On theſe outrages, Mr. Howard and Mr. Moffat, finding the reſentment of the people was very high againſt them, and fearing their perſons would not be ſafe in Newport, took ſhelter in the Signet man of war, and ſoon after departed for Great Britain.

On the 10th of September, the ſtamp papers for the uſe of the New England Government, arrived at Boſton; of which the Governor informed the Aſſembly in the following ſpeech:

*Gentlemen of the Council and Gentlemen of the Houſe of Repreſentatives,*

"A ſhip is arrived inthe harbour with ſtamped papers on board for the King's uſe in this province, and alſo with other ſtamped papers for the like uſe for the province of New Hampſhire and colony of Rhode Iſland; as Mr. Oliver has declined the office of diſtributor of ſtamped papers, and cannot ſafely meddle with what are arrived, the care of them devolves to this government, as having a general charge of the King's intereſt within it. I have already laid this matter before the Council, and they refer it to a general Court; I therefore now apply to you jointly to deſire your advice and aſſiſtance, in order to preſerve the ſtamped papers deſigned for this government, being the King's property, of very conſiderable value, ſafe and ſecure for his Majeſty's further orders. I muſt alſo deſire you at the ſame time to conſider

of the like preſervative of the ſtamped papers deſigned for New Hampſhire and Rhode Iſland, if the diſtributors appointed for thoſe governments ſhould decline to have the charge of them, and in ſuch caſe the care of them will devolve to this government, equally with others."

To which the Aſſembly replied.

*May it pleaſe your Excellency,*

"The Houſe having given all due attention to your Excellency's meſſage of this day, beg leave to acquaint your Excellency, that the ſtamped papers mentioned in your meſſage are brought here without any directions to this government: it is the ſenſe of the Houſe, that it may prove of ill conſequence for them any ways to intereſt themſelves in this matter; we hope therefore your Excellency will excuſe us, if we cannot ſee our way clear enough to give you any advice or aſſiſtance therein."

The General Aſſembly having thus declined to interfere in the direction of the ſtamped paper, the Governor again applied to the Council, who adviſed him to lodge the ſtamped papers in the Caſtle; but various reports having been ſpread concerning this meaſure, his Excellency on the firſt of October made the following ſpeech to the Council:

Gentlemen,

"I have been informed that it is reported about the town, that the ſtamped papers are to be lodged in the Caſtle, there to be unpacked and diſtributed. I have frequently in converſation ſhewn the abſurdity of ſuch a ſuppoſition; but as what I have ſaid is perhaps not much known, I make this declaration to you: That I have no warrant, order, or authority whatſoever, to diſtribute the ſtamped papers, or to unpack the bales, or ſeparate the parcels, or order any perſon whatſoever ſo to do; that it cannot be conceived that I ſhould be ſo imprudent as to undertake a buſineſs to which I have no appointment, and make myſelf anſwerable for large ſums of money, the receipt of which I cannot attend to, and have no power to direct or order: What I have done in purſuance of your advice, in ordering the ſtamped papers to be depoſited in the Caſtle, and there to be defended with all the force of that fortreſs, was to preſerve them entire and unpacked for his Majeſty's uſe. In this I have had two things in view, to prevent imprudent people committing an high

high inſult upon the King, an indignity which would be ſure to meet with particular reſentment; and to ſave the town or province, as it may happen, for being made anſwerable for ſo great a ſum as the value of the ſtamped papers will amount to; as they certainly will be, if the ſtamped papers ſhould be taken away. In providing againſt theſe two evils, ſurely we are endeavouring to do the town and province real and important ſervice, whatever people, in their preſent temper, may think."

"His Excellency having made the foregoing declaration to the Board, they ſignified their unanimous deſire to his Excellency, that he would permit the ſame to be publiſhed; and his Excellency thereupon gave permiſſion for publiſhing the ſame accordingly."

A. OLIVER, Sec.

About this time the following advertiſement appeared in the New York Gazette:

*To Meſſrs.* GREEN *and* RIND.

Gentlemen,

"I am informed that the ſtamp-law takes place the firſt day of November next; I therefore hereby give notice to all officers whatſoever that may be appointed by virtue of that moſt grievous and unconſtitutional act (to prevent them trouble) that I will pay no tax whatever, but what is laid upon me by my repreſentatives. I am, gentlemen,

Your humble ſervant,

BENJAMIN WELSH."

While the colonies ſhewed the ſtrongeſt marks of diſlike to thoſe whom they ſuppoſed to be the promoters of the ſtamp-act, they were as ſtrong in their marks of approbation of thoſe who had oppoſed its paſſing. On the 18th of September, at a meeting of the freeholders and inhabitants of Boſton, a committee of ſeven gentlemen was choſen "to draw up and tranſmit to Mr. Secretary Conway and Colonel Iſaac Barré, ſeveral addreſſes of thanks for their patriotic ſpeeches in parliament, in favour of the rights and privileges of the coloniſts; and to deſire correct copies thereof to be placed among their moſt precious archives." And they voted the pictures of thoſe gentlemen to be placed in their Town-hall.

On Saturday, Sept. 21, there was publiſhed a new newſpaper in America, under the following title, "The CONSTITUTIONAL COURANT, containing matters intereſting to *Liberty*, and no ways repugnant to *Loyalty*." It had an emblematical head-piece, of a ſnake cut into ſeveral pieces, on each of which were the initial letters of the names of the ſeveral colonies, and over it, "JOIN OR DIE" in large letters, and the imprint was, "Printed by *Andrew Marvel*, at the ſign of the *Bribe refuſed*, on *Conſtitution-hill*, North-America."

The 25th of September the General Aſſembly of the province of Maſſachuſett's-Bay, in New-England, met at Boſton, when his Excellency Francis Bernard, Eſq; Governor of the ſaid province, made the following ſpeech to them:

*Gentlemen of the Congreſs, and Gentlemen of the Houſe of Repreſentatives.*

"I have called you together at this unuſual time, in purſuance of the unanimous advice of a very full Council, that you may take into conſideration the preſent ſtate of the province, and determine what is to be done at this difficult and dangerous conjuncture. I need not recount to you the violences which have been committed in this town, nor the declarations which have been made and ſtill ſubſiſt, that the act of parliament for granting ſtamp-duties in the Britiſh colonies ſhall not be executed within this province. The ordinary executive authority of this government is much too weak to contradict ſuch declarations, or oppoſe the force by which they are ſupported: It has therefore been found neceſſary to call the whole legiſlative power in aid of the executive government. From this time this arduous buſineſs will be put into your hands, and it will become a provincial concern.

"Upon this occaſion it is my duty to ſtate to you what will probably be the conſequences, if you ſhould ſuffer a confirmed diſobedience of this act of parliament to take place. I am ſenſible how dangerous it is to ſpeak out at this time, and upon this ſubject; but my ſtation will not allow me to be awed or reſtrained in what I have to ſay to the General Court; not only my duty to the King, but my duty to the Province, my love to it, my concern for it, oblige me to be plain and explicit upon this occaſion. And I hope no advocate for liberty will violate that eſſential conſtitutional right, freedom of ſpeech in the General Aſſembly.

"As

" As I deſire not to dictate to you, and would avoid all appearance of it, I ſhall reſolve what I have to recommend to your conſideration into mere queſtions, and avoid aſſertions of my own in matters which are doubtful. I ſhall not enter into any diſquiſion of the policy of the act: it has never been a part of my buſineſs to enter into any judgment of it; and as I have not hitherto had any opportunity to expreſs any ſentiments of it; I ſhall not do it now. I have only to ſay, that it is an act of the parliament of Great Britain, and as ſuch ought to be obeyed by the ſubjects of Great Britain. And I truſt that the ſupremacy of that parliament, over all the members of their wide and diffuſed empire, never was, and never will be denied within theſe walls.

" The Right of the parliament of Great Britain to make laws for the American colonies, however it has been controverted in America, remains indiſputable at Weſtminſter. If it is yet to be made a queſtion, who ſhall determine it but the parliament? If the parliament declares that this right is inherent in them, are they like to acquieſce in an open and forcible oppoſition to the exerciſe of it? Will they not more probably maintain ſuch right, and ſupport their own authority? Is it in the will or in the power, or for the intereſt of this province to oppoſe ſuch authority? If ſuch oppoſition ſhould be made, may it not bring on a conteſt, which may prove the moſt detrimental and ruinous event which could happen to this people?

" It is ſaid, that the gentleman who oppoſed this act in the houſe of Commons, did not diſpute the authority of parliament to make ſuch a law, but argued upon the inexpediency of it at this time, and the inability of the colonies to bear ſuch an impoſition. Theſe are two diſtinct queſtions, which may receive different anſwers. The power of the parliament to tax the colonies may be admitted, and yet the expediency of exerciſing that power at ſuch a time, and in ſuch a manner, may be denied. But if the queſtions are blended together, ſo as to admit of but one anſwer, the affirmative of the right of parliament will conclude for the expediency of the act. Conſider therefore, gentlemen, if you found your application for relief upon denying the parliament's right to make ſuch a law, whether you will not take from your friends and advocates the uſe of thoſe arguments, which are moſt like to procure the relief you deſire?

" You

" You, Gentlemen of the Houſe of Repreſentatives, have propoſed a congreſs of committees from the repreſentatives of ſeveral colonies, to conſider of a general, united, dutiful, loyal and humble repreſentation which you have propoſed? Will the denying the power and authority of the King and Parliament, be the proper means to obtain their favour? If the parliament ſhould be diſpoſed to repeal this act, will they probably do it whilſt there ſubſiſts a forcible oppoſition to the execution of it? Is it not more probable, that they will require a ſubmiſſion to their authority as a preliminary to their granting you any relief? Conſider then, whether the oppoſition to the execution of the act has not a direct tendency to defeat the meaſures you have taken to procure a repeal of it, if you do not interpoſe to prevent it.

" By this act, all papers which are not duly ſtamped are to be null and void; and all perſons who ſhall ſign, engroſs, or write any ſuch papers, will forfeit, for each fact, ten pounds. If therefore ſtamps are not to be uſed, all public offices muſt be ſhut up: for it cannot be expected, that any officer ſhould incur penalties much beyond all he is worth, for the ſake of doing what muſt be null and void when it is done. I would therefore deſire you to conſider what effects the ſtopping two kinds of offices only, the Courts of Juſtice and the Cuſtom-houſes, will have upon the generality of the people. When the Courts of Juſtice are ſhut up, no one will be able to ſue for a debt due to him. Muſt not then all credit and mutual faith ceaſe of courſe, and fraud and rapine take their place? Will any one's perſon or property be ſafe, when their ſole protector, the law, is debared to act? Muſt not the hand of violence be then let looſe, and force of arms become the only governing power? It is eaſy to form an adequate idea of a ſtate of general outlawry: And may not the reality exceed the worſt idea you can form of it?

" If trade and navigation ſhall ceaſe by the ſhutting up the ports of this province for want of legal clearances; are you ſure that all other ports which can rival theſe will be ſhut up alſo? Can you depend upon recovering your trade again entire and undiminiſhed, when you ſhall be pleaſed to reſume it? Can the people of this province ſubſiſt without navigation for any long time? What will become of the ſeamen who will be put out of employment? What will become of the tradeſmen who immediately depend upon the navigation for their daily bread? Will theſe people endure want quietly

without

without troubling their neighbours? What will become of the numberleſs families which depend upon fiſhery? Will they be able to turn the produce of their year's work into the neceſſaries of life without navigation? Are there not numberleſs other families who do not appear immediately concerned in trade, and yet ultimately depend upon it? Do you think it poſſible to provide for the infinite chain of the dependants upon trade, who will be brought to want by the ſtopping of it? Is it certain that this province has a ſtock of proviſions within itſelf ſufficient for all its inhabitants, without the uſual imports? If there ſhould be a ſufficiency in general, can it be diſtributed among all the individuals without great violence and confuſion? In ſhort, can this province bear a ceſſation of law and juſtice, and of trade and navigation, at a time when the buſineſs of the year is to be wound up, and the ſevere ſeaſon is haſtily approaching? Theſe are ſerious and alarming queſtions, which deſerve a cool and diſpaſſionate conſideration.

"I would not willingly aggravate the dangers which are before you: I do not think it very eaſy to do it: This province ſeems to me to be upon the brink of a precipice, and that it depends upon you to prevent its falling. Poſſibly I may fear more for you than you do for yourſelves; but in the ſituation you now ſtand, a ſight of your danger is neceſſary to your preſervation! and it is my buſineſs to open it to you. But I do not pretend to enumerate all the evils which may poſſibly happen; ſeveral, and ſome of no little importance, will occur to you, tho' they have been omitted by me. In a word, gentlemen, never were your judgment and prudence ſo put to a trial, as they are like to be upon the preſent occaſion.

"I am aware that endeavours have been, or may be uſed, to leſſen my credit with you, which I have hitherto always ſtudied to improve to the advantage of the province. Violence ſeldom comes alone: The ſame ſpirit which pulls down houſes, attacks reputations. The beſt men in the province have been much injured in this way; I myſelf have not eſcaped this malignity. But I ſhall not lower myſelf ſo as to anſwer ſuch accuſers: To you I ſhall always owe ſuch explanations as ſhall be neceſſary to the improvement of a good underſtanding between us. However, I will take this opportunity to declare publicly, that ever ſince I have ſat in this chair, I have been conſtantly attentive to the true intereſts

reſts of this province, according to the beſt of my underſtanding, and have endeavoured to promote them by all means in my power. The welfare of this people is ſtill uppermoſt in my heart: and I believe no man feels more for them than I do at this preſent time.

*Gentlemen of the Houſe of Repreſentatives,*

" I muſt recommend you to do an act of juſtice, which at the ſame time will reflect credit upon yourſelves; I mean to order a compenſation to be made to the ſufferers by the late dreadful diſturbances. Their loſſes are too great for them to ſit down with; one of them amounts to a very large ſum. You muſt be ſenſible that it will be expected that theſe damages be made good; and it will be better for you to do it of your own accord before any requiſition is made to you. An eſtimate of theſe damages is made by a committee of the council, purſuant to order, which will be laid before you.

*Gentlemen,*

" I am ſenſible of the difficulty of the part you have to act; it may not be ſufficient for you to be convinced of a ſubmiſſion to the law for the preſent, unleſs the ſame conviction ſhall be extended to the people in general. If this ſhould be ſo, I can only deſire you to uſe all means to make yourſelves well acquainted with the exigency of the preſent time; and if you ſhall be perſuaded that a diſobedience of the act is productive of much more evil than a ſubmiſſion to it can be, you muſt endeavour to convince your conſtituents of the truth of ſuch perſuaſion. In ſuch caſe I ſhall readily grant you a receſs for a ſufficient time; and I ſhall be ready to concur with you in all other legal meaſures to provide for the ſafety of the people in the beſt manner.

*Council Chamber,*
*Sept.* 25, 1765.

FRA. BERNARD."

The houſe of Repreſentatives immediately appointed a committee to prepare an addreſs in anſwer to his Excellency's ſpeech, and the draught was to have been reported the 28th; on the preceding day, both the houſes of aſſembly received the aſtoniſhing, ſudden, and unexpected meſſage to adjourn to the 23d of October.

The 26th of September the hon. Thomas Finch, Eſq; governor of Connecticut, iſſued a proclamation, " requiring

ing all officers, civil and military, to uſe their utmoſt endeavours for preventing and ſuppreſſing all riots and tumultuous aſſemblies:" but ſo great was the dread of the peoples reſentment, that William Storey reſigned his office of deputy-regiſter of the court of Vice-Admiralty; as ſome days before, William Cox, Eſq; had reſigned his office as ſtamp-maſter for New-Jerſey.

About the ſame time, fourteen boxes more of ſtampt paper arrived at Boſton for the uſe of that province; and of New Hampſhire and Rhode Iſland; but the ſhips that brought them were obliged to be guarded in by a man of war ſloop and a cutter, and brought to under the protection of the guns of the caſtle.

The inhabitants of Connecticut not being fully ſatisfied with the firſt declaration of Mr. Ingerſoll, a great number of the inhabitants from the eaſtern parts of the province came on horſeback to Hartford on the 18th of September, and declared they were on their way to Newhaven, to demand of Mr. Ingerſoll a total reſignation of his office, as were alſo a number of their companions on the lower roads, who were all to rendezvous at Brentford the next day; they then ſeparated to get lodgings in Hartford for that night. In the evening they received information that Mr. Ingerſoll was to be in town the next day, to apply to the aſſembly for protection; but leſt he ſhould come in the night, to ſhun them, they kept a patrole in the ſtreets all that night to prevent his coming unnoticed; but he not arriving the next morning, the whole body ſet off, and in about an hour met Mr. Ingerſoll at the lower end of Wethersfield, and told him their buſineſs, when, after many evaſions and debates, he read his reſignation to the multitude, who deſired him to cry out *Liberty and Property* three times, which he did; and they returned three loud huzzas. Mr. Ingerſoll then went and dined at the tavern with many of the company, and a party of about five hundred eſcorted him to Hartford, where he again publicly read his reſignation, which they again applauded with three huzzas, and then they all diſperſed without any diſturbance. His reſignation was as follows:

Wethersfield, Sept. 9, 1765.

"I do hereby promiſe, that I will never receive any ſtamped papers, which may arrive from Europe, in conſequence of an act lately paſſed in the parliament of Great Britain, nor officiate in any manner as ſtamp-maſter, or diſtributor

of

of ſtamps, within this colony of Connecticut, either directly or indirectly. And I do hereby notify to all the inhabitants of his Majeſty's colony of Connecticut, (notwithſtanding the ſaid office or truſt has been committed to me) not to apply to me, even after, for any ſuch ſtamped papers, hereby declaring, that I do reſign the ſaid office, and execute theſe preſents of my own free will and accord, without any equivocation, or mental reſervation.

In witneſs whereof I have hereunto ſet my hand,

J. INGERSOLL."

In Philadelphia, the houſe of aſſembly met on the 21ſt of September, and came to the following reſolutions:

"The Houſe taking into conſideration, that an act of parliament has lately paſſed in England, for impoſing certain ſtamp duties, and other duties on his Majeſty's ſubjects in America, whereby they conceive ſome of their moſt eſſential and valuable rights, as Britiſh ſubjects, to be deeply affected, think it a duty they owe to themſelves, and their poſterity, to come to the following reſolutions, viz.

Reſolved, N. C. D. That the aſſemblies of this province have, from time to time, whenever requiſitions have been made by his Majeſty, for carrying on military operations for the defence of America, moſt cheerfully and liberally contributed their full proportion of men and money for thoſe ſervices.

Reſolved, N. C. D. That whenever his Majeſty's ſervice ſhall, for the future, require the aids of the inhabitants of this province, and they ſhall be called upon for that purpoſe, in a CONSTITUTIONAL WAY, it will be their indiſpenſable duty moſt cheerfully and liberally to grant to his Majeſty their proportion of men and money, for the defence, ſecurity, and other public ſervices of the Britiſh American colonies.

Reſolved, N. C. D. That the inhabitants of this province are intitled to all the rights and privileges of his Majeſty's ſubjects in Great Britain, or elſewhere; and that the conſtitution of government in this province is founded on the natural rights of mankind, and the noble principles of Engliſh liberty, and therefore is, or ought to be, perfectly free.

Reſolved, N. C. D. That it is the inherent birth-right, and indubitable privilege of every Britiſh ſubject, to be taxed

taxed only by his own conſent, or that of his legal repreſentatives, in conjunction with his Majeſty, or his ſubſtitutes.

Reſolved, N. C. D. That the only legal repreſentatives of the inhabitants of this province, are the perſons they annually elect to ſerve as members of aſſembly.

Reſolved therefore, N. C. D. That the taxation of the people of this province, by any other perſons whatſoever than ſuch their repreſentatives in aſſembly, is UNCONSTITUTIONAL, and ſubverſive of their moſt valuable rights.

Reſolved, N. C. D. That the laying taxes upon the inhabitants of this province *in any other manner*, being manifeſtly ſubverſive of public liberty, muſt, of neceſſary conſequence, be utterly deſtructive of public happineſs.

Reſolved, N. C. D. That the veſting an authority in the courts of admiralty to decide in ſuits relating to the ſtamp duties, and other matters, foreign to their proper juriſdiction, is highly dangerous to the liberties of his Majeſty's American ſubjects, contrary to Magna Charta, the great charter and fountain of Engliſh liberty, and deſtructive of one of their moſt *darling and acknowledged rights*, that of TRIALS BY JURIES.

Reſolved, N. C. D. That it is the opinion of this houſe, that the reſtraints impoſed by ſeveral acts of parliament on the trade of this province, at a time when the people labour under an enormous load of debt, muſt of neceſſity be attended with the moſt fatal conſequences, not only to this province, but to the trade of our mother country.

Reſolved, N. C. D. That this houſe think it their duty thus firmly to aſſert, with modeſty and decency, their inherent rights, that their poſterity may learn and know, that it was not with their conſent and acquieſcence, that any taxes ſhould be levied on them by any perſons but their own repreſentatives; and are deſirous that theſe their reſolves ſhould remain on their minutes, as a teſtimony of the zeal and ardent deſire of the preſent houſe of aſſembly to preſerve their *ineſtimable rights*, which, as Engliſhmen, they have poſſeſſed ever ſince this province was ſettled, and to tranſmit them to their lateſt poſterity."

The ſame day, the following addreſs was preſented to the Governor of Maryland.

To

*To his Excellency* HORATIO SHARPE, *Eſq*; *Governor and Commander in Chief in and over the province of* Maryland.

The humble Addreſs of the Houſe of Delegates.

May it pleaſe your Excellency,

" We, his Majeſty's moſt dutiful and loyal ſubjects, the delegates of the freemen of the province of Maryland, in aſſembly convened, return your Excellency our thanks for your ſpeech at the opening of this ſeſſion; and beg leave to aſſure you, that the opportunity your Excellency has now afforded us, of promoting the true intereſt of our country, is extremely agreeable to us.

As we have thought it our indiſpenſible duty to our conſtituents, at this time to appoint a committee of ſome of our members, to join committees from the houſe of repreſentatives of the other colonies on the continent, who are to meet at the city of New York, on the firſt Tueſday in October next, in order to join in a general and united dutiful, loyal and humble repreſentation to his Majeſty, and the Britiſh parliament, of the circumſtances and condition of the Britiſh colonies and plantations, and to implore relief againſt ſome acts of parliament, we are informed have lately paſſed in England, whereby it is apprehended the liberty of the colonies will be greatly abridged, which, with the matters neceſſarily relative to, and dependant upon it, (wherein we have met with ſome very unexpected delays) have ſo wholly engroſſed our attention, that we have not yet even ſettled any of our ordinary rules for proceeding, we cannot doubt but we ſhall ſtand excuſed for being thus late in anſwering your Excellency's ſpeech; and having now very nearly completed that affair, and as the next month will be chiefly taken up in adjourned country courts, by which means ſeveral of our members muſt be taken from the buſineſs of the houſe, or great numbers ſuffer much by their ſuits continuing open at this time, we hope your excellency will, as ſoon as the preſent important buſineſs is finiſhed, give us a ſhort receſs of a few weeks, that thoſe inconveniencies may be removed, when we ſhall be very glad to have an opportunity of proceeding to the diſpatch of the intereſting matters your Excellency has been pleaſed to recommend to us, and to concur with the other branches of the legiſlature, in every meaſure tending to produce the general welfare of our country, which

which we are much pleaſed to be aſſured by your excellency, you alſo conſider as your own."

Sept. 21, 1765. ROBERT LLOYD, Speaker.

To which he returned the following Anſwer, on Sept. 28:

*Gentlemen of the Lower Houſe of Aſſembly,*

"As I perceive by your addreſs, which hath been juſt preſented to me, that you are deſirous to have a ſhort receſs of a few weeks, I ſhall comply with your requeſt; but it being probable that the ſtamped paper deſtined for this province, in conſequence of the act of parliament that was made laſt ſeſſion, by the legiſlature of Great Britain, will arrive here before I ſhall have an opportunity of adviſing with you again, and that the maſter of the veſſel who may have charge thereof, will deſire me to give orders for its being landed, and lodged in a place of ſecurity, eſpecially as the perſon appointed to diſtribute the ſtamps here, has I underſtand, left the province, I ſhould be glad to know how you would adviſe me to act on ſuch an occaſion.

Sept. 28. HORATIO SHARPE."

And the houſe then came to the following reſolutions, which they ordered to be printed:

*By the Lower Houſe of Aſſembly.*

Sept. 28, 1765.

Ordered, That Mr. Jonas Green, printer, do publiſh in the Maryland Gazette, next week, the following reſolves of this houſe: Signed per order,

M. MACNEMARA, Cl. Lo. Ho.

I. Reſolved unanimouſly, That the firſt adventurers and ſettlers of this province of Maryland brought with them, and tranſmitted to their poſterity, and all other his Majeſty's ſubjects ſince inhabiting in this province, all the liberties, privileges, franchiſes, and immunities, that at any time have been held, enjoyed and poſſeſſed, by the people of Great Britain.

II. Reſolved unanimouſly, That it was granted by Magna Charta, and other the good laws and ſtatutes of England, and confirmed by the petition and Bill of Rights, that the ſubject ſhould not be compelled to contribute to any tax, tallage, aid, or other like charge, not ſet by common conſent of parliament.

III. Reſolved unanimouſly, That by a royal charter, granted by his majeſty king Charles I. in the eighth year of his reign, and in the year of our Lord 1632, to Cæcilius, then lord Baltimore, it was for the encouragement of people to tranſport themſelves and families into this province, amongſt other things covenanted and granted by his ſaid majeſty, for himſelf, his heirs and ſucceſſors, as followeth:

[Here is recited ſuch parts of their charter as may be ſeen in the 10th and 20th clauſes of the Maryland charter.] After which they proceeded thus:

IV. Reſolved that it is the unanimous opinion of this houſe, That the ſaid charter is declaratory of the conſtitutional rights and privileges of the freemen of this province.

V. Reſolved unanimouſly, That trials by juries is the grand bulwark of liberty, the undoubted birthright of every Engliſhman, and conſequently of every Britiſh ſubject in America: And that the erecting other juriſdictions for the trial of matters of fact, is unconſtitutional, and renders the ſubject inſecure in his liberty and property.

VI. Reſolved, That it is the unanimous opinion of this houſe, That it cannot with any truth or propriety be ſaid, That the freemen of this province of Maryland are repreſented in the Britiſh parliament.

VII. Reſolved unanimouſly, That his majeſty's liege people of this ancient province, have always enjoyed the right of being governed by laws, to which they themſelves have conſented in the article of taxes, and internal policy; and that the ſame hath never been forfeited, or any other way yielded up; but hath been conſtantly recognized by the king and people of Great Britain.

VIII. Reſolved, That it is the unanimous opinion of this houſe, that the repreſentatives of the freemen of this province, in their legiſlative capacity, together with the other part of the legiſlature, hath the ſole right to lay taxes and impoſitions on the inhabitants of this province, or their property and effects: And that the laying, impoſing, levying or collecting, any tax on or from the inhabitants of Maryland, under colour of any other authority, is unconſtitutional, and a direct violation of the rights of the freemen of this province.

On the 5th of October the ſtamps arrived at Philadelphia, the ſhip which brought them having laid ſome time at Newcaſtle

caſtle upon Delaware, under protection of a man of war. When the ſhips firſt appeared round Glouceſter-point, all the veſſels in the harbour hoiſted their colours half-ſtaff high, the bells were muffled, and continued to toll till evening, and every countenance added to the appearance of ſincere mourning. At four in the afternoon, ſeveral thouſands of citizens met at the State-houſe to conſult on proper meaſures to prevent the execution of the ſtamp-act. It was agreed to ſend a deputation of ſeven perſons to Mr. Hughes, the ſtamp-maſter for that province, (who was then ſick in bed) to requeſt he would reſign his office. He readily declared, that no act of his ſhould aſſiſt the carrying of that law into execution, till it was generally complied with in the other colonies, but refuſed to ſign any reſignation. When this report was made by the deputies to the State-houſe, the citizens were enraged to that degree, that it is hard to ſay to what lengths their fury would have carried them, had not the deputies repreſented Mr. Hughes as at the point of death; this moved their compaſſion, and they agreed to make their demand in writing, and give Mr. Hughes till the Monday following to make a reply. And on Monday the deputies read the following anſwer aloud to all the multitude aſſembled:

Philadelphia, Monday morning, Oct. 7, 1765.

"Whereas about ſix o'clock, on Saturday evening laſt, a paper was ſent to me, expreſſing, that 'a great number of the citizens of Philadelphia, aſſembled at the State-houſe, to demand of Mr. John Hughes, diſtributor of ſtamps for Pennſylvania, that he will give them aſſurance, under his hand, that he will not execute that office; and expect that he will give them a fair, candid, and direct anſwer, by Monday next, at ten o'clock, when he will be waited on for that purpoſe. Saturday, October 5, 1765.'

"I do therefore return for anſwer to thoſe gentlemen, and all their aſſociates, that I have not hitherto taken any ſtep tending to put the late act of parliament into execution in this province; and that I will not, either by myſelf or my deputies, do any act or thing that ſhall have the leaſt tendency to put the ſaid act into execution in this province, until the ſaid act ſhall be put into execution generally in the neighbouring colonies, and this I am determined to abide by.

"And whereas my commiſſion includes the three counties of New-Caſtle, Kent, and Suſſex, upon Delaware, I do, therefore, hereby voluntarily inform the good people of thoſe counties, that no act of mine ſhall, either directly or indirectly, involve them in any difficulties with reſpect to the ſaid ſtamp act, before the ſame ſhall take place generally in the neighbouring colonies.

JOHN HUGHES."

It is neceſſary ſometimes, in this narration, to neglect a ſtrict obſervance of the order of time, that each ſeparate account may have a proper continuation:—to return then a little back; on the 20th of September, all the lawyers of the ſupreme court, held at Perth Amboy, aſſembled, and the Chief Juſtice having propoſed the following queries, they agreed and came to theſe ſeveral reſolutions: Firſt, Whether, if the ſtamps ſhould arrive, and be placed at the city of Burlington, by or after the firſt of November, they would, as practitioners, agree to purchaſe them, for the neceſſary proceedings in the law?

Reſolved by the whole body, N. C. D. they would not, but rather ſuffer their private intereſt to give way to the public opinion, proteſting at the ſame time againſt all riotous and indecent behaviour, which they will diſcountenance by every means in their power, to preſerve order, and by an abſolute refuſal to make uſe of the ſtamps, and other quiet methods, endeavour to obtain a repeal of the law.

Second. Whether it was their opinion, that ſhould the act take place, the duties could poſſibly be paid in gold and ſilver.

Anſwered by the whole body, It could not be paid in gold and ſilver even for one year.

Third. Their opinion was deſired, whether, as the act required the Governor and Chief Juſtice to ſuperintend the diſtributor, he ſhould be obliged to take charge of the diſtribution of the ſtamps, by order and appointment of the Governor, if he ſhould think proper to fix upon him for that office?

Anſwered and adviſed, not to take it upon him, the Governor not being impowered by the act to appoint; or if he was, it was left to the Chief Juſtice's option, and that it would be incompatible with his office as Chief Juſtice.

The

The lawyers alſo of New Jerſey met, and reſolved to loſe all their buſineſs, rather than make uſe of any ſtamps.

When the Commiſſioners from Boſton came to the Congreſs at New-York, they waited on Lieutenant-Governor Colden, who received them very coldly; and told them, that "ſuch a Congreſs was unconſtitutional, unprecedented, and unlawful, and that he ſhould give them no countenance."

On the 21ſt of October, the freeholders and other inhabitants of the town of Plymouth had a meeting, and unanimouſly agreed on inſtructions to Thomas Forſter, Eſq; their repreſentative in the General Aſſembly of Maſſachuſett's Bay. In which, after expreſſing the higheſt eſteem for the Britiſh conſtitution, ſhewing how far the people of America have exerted themſelves in ſupport thereof, and ſetting forth their grievances, they proceed as follows:

"You, Sir, repreſent a people who are not only deſcended from the firſt ſettlers of this country, but inhabit the very ſpot they firſt poſſeſſed. Here was firſt laid the foundation of the Britiſh empire in this part of America, which from a very ſmall beginning, has increaſed and ſpread in a manner very ſurpriſing, and almoſt incredible; eſpecially when we conſider that all this has been effected without the aid or aſſiſtance of any power on earth, that we have *defended*, *protected*, and *ſecured* ourſelves againſt the invaſions and cruelty of ſavages, and the ſubtilty and inhumanity of our inveterate and natural enemies the French; and all this without the appropriation of any tax by ſtamps, or ſtamp acts laid upon our fellow ſubjects in any part of the king's dominions, for defraying the expences thereof. This place, Sir, was at firſt the aſylum of liberty, and we hope will ever be preſerved ſacred to it; though it was then no more than a forlorn wilderneſs, inhabited only by ſavage men and beaſts. To this place our fathers (whoſe memories be revered) poſſeſſed of the principles of liberty in their purity, diſdaining ſlavery, fled to enjoy thoſe privileges which they had an undoubted right to, but were deprived of by the hands of violence and oppreſſion in their native country. We, Sir, their poſterity, the freeholders and other inhabitants of this town, legally aſſembled for that purpoſe, poſſeſſed of the ſame ſentiments, and retaining the ſame ardour for liberty, think it our indiſpenſable duty, on this occaſion, to expreſs to you

theſe our ſentiments of the ſtamp act, and its fatal conſequences to this country, and to enjoin you, as you regard not only the welfare, but the very being of this people, that you (conſiſtent with our allegiance to the king, and relation to the government of Great Britain) diſregarding all propoſals for that purpoſe, exert all your power and influence in relation to the ſtamp act, at leaſt until we hear the ſucceſs of our petitions for relief. We likewiſe, to avoid diſgracing the memories of our anceſtors, as well as the reproaches of our own conſciences, and the curſes of poſterity, recommend it to you to obtain, if poſſible, in the honourable houſe of repreſentatives of this province, a full and explicit aſſertion of our rights, and to have the ſame entered on their public records, that all generations yet to come, may be convinced, that we have not only a juſt ſenſe of our rights and liberties, but that we never (with ſubmiſſion to divine providence) will be ſlaves to any power on earth; and as we have at all times an abhorrence of tumults and diſorders, we think ourſelves happy in being at preſent under no apprehenſions of any, and in having good and wholeſome laws ſufficient to preſerve the peace of the province in all future times, unleſs provoked by ſome imprudent meaſure: ſo we think it by no means adviſeable for you to intereſt yourſelf in the protection of ſtamp papers, or ſtamp officers.

"The only thing we have further to recommend to you at this time, is to obſerve on all occaſions a ſuitable frugality and œconomy in the public expences; and that you conſent to no unneceſſary or unuſual grant at this time of diſtreſs, when the people are groaning under the burthen of heavy taxes: and that you uſe your endeavours to inquire into, and bear teſtimony againſt, any paſt, and to prevent any future unconſtitutional draughts on the public treaſury."

*Authentic Account of the Proceedings of the Congreſs * held at New-York in 1765, on the Subject of the Stamp Act.*

Sir, *Boſton, June 1765.*

The houſe of repreſentatives of this province, in the preſent ſeſſion of the general court, have unanimouſly agreed to propoſe a meeting, as ſoon as may be, of committees, from the houſes of repreſentatives or burgeſſes of the ſeveral Britiſh colonies on this continent, to conſult together on the preſent

* This was the firſt Congreſs of the American Continent.

preſent circumſtances of the colonies, and the difficulties to which they are, and muſt be reduced, by the operation of the acts of parliament for levying duties and taxes on the colonies; and to conſider of a general, and united, dutiful, loyal and humble repreſentation of their condition, to his Majeſty and the Parliament, and to implore relief. The houſe of repreſentatives of this province have alſo voted to propoſe, That ſuch meeting be at the city of New-York, in the province of New-York, on the firſt Tueſday in October next; and have appointed a committee of three of their members to attend that ſervice, with ſuch as the other houſes of repreſentatives, or burgeſſes, in the ſeveral colonies, may think fit to appoint to meet them. And the committee of the houſe of repreſentatives of this province, are directed to repair to ſaid New-York, on ſaid firſt Tueſday in October next, accordingly.

If, therefore, your honourable houſe ſhould agree to this propoſal, it would be acceptable, that as early notice of it as poſſible, might be tranſmitted to the ſpeaker of the houſe of repreſentatives of this province.

SAMUEL WHITE, Speaker.

In conſeqnence of the foregoing circular letter, the following gentlemen met at New-York, in the province of New-York, on Monday the ſeventh day of October, 1765, viz.

From the province of the MASSACHUSETTS-BAY,

JAMES OTIS,
OLIVER PATRIDGE,
TIMOTHY RUGGLES,
} Eſquires.

From the colony of RHODE-ISLAND, and PROVIDENCE PLANTATIONS,

METCALF BOWLER,
HENRY WARD,
} Eſquires.

From the colony of CONNECTICUT,

ELIPHALET DYER,
DAVID ROWLAND,
WM. SAMUEL JOHNSON,
} Eſquires.

From the colony of NEW-YORK,

ROBERT R. LIVINGSTON,
JOHN CRUGER,
PHILIP LIVINGSTON,
WILLIAM BYARD,
LEONARD LISPENARD,
} Eſquires.

From the colony of NEW-JERSEY,

ROBERT OGDEN,
HENDRICK FISHER,
JOSEPH BORDEN,
} Eſquires.

From the province of PENNSYLVANIA,

JOHN DICKENSON,
JOHN MORTON,
GEORGE BRYAN,
} Eſquires.

From the government of the counties of NEWCASTLE, KENT, and SUSSEX, on DELAWARE,

CÆSAR RODNEY,
THOMAS M'KEAN,
} Eſquires.

From the province of MARYLAND,

WILLIAM MURDOCK,
EDWARD TILGHMAN,
THOMAS RINGGOLD,
} Eſquires.

From the province of SOUTH-CAROLINA,

THOMAS LYNCH,
CHRISTOPHER GADSDEN,
JOHN RUTLEDGE,
} Eſquires.

Then the ſaid committees proceeded to chuſe a chairman by ballot, and Timothy Ruggles, Eſq; on ſorting and counting the votes, appeared to have a majority, and thereupon was placed in the chair.

*Saturday, Oct.* 19, 1765, A. M.

The Congreſs met according to adjournment, and reſumed, &c. as yeſterday. And, upon mature deliberation, agreed to the following declarations of the rights and grievances of the coloniſts in America, which were ordered to be inſerted.

The members of this Congreſs, ſincerely devoted, with the warmeſt ſentiments of affection and duty to his Majeſty's perſon and government, inviolably attached to the preſent happy eſtabliſhment of the Proteſtant ſucceſſion, and with minds deeply impreſſed by a ſenſe of the preſent and impending misfortunes of the Britiſh colonies on this continent; having conſidered as maturely as time will permit, the circumſtances of the ſaid colonies, eſteem it our indiſpenſable duty to make the following declarations of our humble opinion, reſpecting the moſt eſſential rights and liberties of the

the coloniſts, and of the grievances under which they labour, by reaſon of ſeveral late acts of parliament.

I. That his Majeſty's ſubjects in theſe colonies, owe the ſame allegiance to the crown of Great Britain, that is owing from his ſubjects born within the realm, and all due ſubordination to that auguſt body the parliament of Great-Britain.

II. That his Majeſty's liege ſubjects in theſe colonies, are entitled to all the inherent rights and liberties of his natural born ſubjects, within the kingdom of Great-Britain.

III. That it is inſeparably eſſential to the freedom of a people, and the undoubted right of Engliſhmen, that no taxes be impoſed on them but with their own conſent, given perſonally, or by their repreſentatives.

IV. That the people of theſe colonies are not, and, from their local circumſtances, cannot be, repreſented in the Houſe of Commons in Great-Britain.

V. That the only repreſentatives of the people of theſe colonies are perſons choſen therein by themſelves, and that no taxes ever have been, or can be conſtitutionally impoſed on them, but by their reſpective legiſlatures.

VI. That all ſupplies to the crown being free gifts of the people, it is unreaſonable and inconſiſtent with the principles and ſpirit of the Britiſh conſtitution, for the people of Great-Britain to grant to his Majeſty the property of the coloniſts.

VII. That trial by jury, is the inherent and invaluable right of every Britiſh ſubject in theſe colonies.

VIII. That the late act of parliament, entitled, *An act for granting and applying certain ſtamp duties, and other duties, in the Britiſh colonies and plantations in America, &c.* by impoſing taxes on the inhabitants of theſe colonies, and the ſaid act, and ſeveral other acts, by extending the juriſdiction of the courts of admiralty beyond its ancient limits, have a manifeſt tendency to ſubvert the rights and liberties of the coloniſts.

IX. That the duties impoſed by ſeveral late acts of parliament, from the peculiar circumſtances of theſe colonies, will be extremely burthenſome and grievous; and from the ſcarcity of ſpecie, the payment of them abſolutely impracticable.

X. That as the profits of the trade of theſe colonies ultimately center in Great-Britain, to pay for the manufactures

tures which they are obliged to take from thence, they eventually contribute very largely to all ſupplies granted there to the crown.

XI. That the reſtrictions impoſed by ſeveral late acts of parliament on the trade of theſe colonies, will render them unable to purchaſe the manufactures of Great-Britain.

XII. That the increaſe, proſperity and happineſs of theſe colonies, depend on the full and free enjoyments of their rights and liberties, and an intercourſe with Great-Britain mutually affectionate and advantageous.

XIII. That it is the right of the Britiſh ſubjects in theſe colonies to petition the king, or either houſes of parliament.

Laſtly, That it is the indiſpenſable duty of theſe colonies, to the beſt of ſovereigns, to the mother country, and to themſelves, to endeavour by a loyal and dutiful addreſs to his Majeſty, and humble applications to both houſes of parliament, to procure the repeal of the act for granting and applying certain ſtamp duties, of all clauſes of any other acts of parliament, whereby the juriſdiction of the admiralty is extended as aforeſaid, and of the other late acts for the reſtriction of American commerce.

Upon motion, voted, That Robert R. Livingſton, William Samuel Johnſon, and William Murdock, Eſqrs. be a committee to prepare a memorial and petition to the lords in parliament, and lay the ſame before the congreſs on Monday next.

Voted alſo, That John Rutledge, Edward Tilghman, and Philip Livingſton, Eſqrs. be a committee to prepare a memorial and petition to the lords in parliament, and lay the ſame before the congreſs on Monday next.

Voted alſo, That Thomas Lynch, James Otis, and Thomas M'Kean, Eſqrs. be a committee to prepare a petition to the houſe of commons of Great-Britain, and lay the ſame before the congreſs on Monday next.

Then the congreſs adjourned to Monday next at twelve o'clock.

*Monday, Oct.* 21, 1765, A. M.

The congreſs met according to adjournment.

The committee appointed to prepare and bring in an addreſs to his Majeſty, did report, that they had eſſayed a draught for that purpoſe, which they laid on the table, and humbly ſubmitted to the correction of the congreſs.

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The ſaid addreſs was read, and after ſundry amendments, the ſame was approved of by the congreſs, and ordered to be ingroſſed.

The committee appointed to prepare and bring in a memorial and petition to the lords in parliament, did report, That they had eſſayed a draught for that purpoſe, which they laid on the table, and humbly ſubmitted to the correction of the congreſs.

The ſaid addreſs was read, and after ſundry amendments, the ſame was approved of by the congreſs, and ordered to be ingroſſed.

The committee appointed to prepare and bring in a petition to the houſe of commons of Great Britain, did report, That they had eſſayed a draught for that purpoſe, which they laid on the table, and humbly ſubmitted to the correction of the congreſs.

The ſaid addreſs was read, and after ſundry amendments, the ſame was approved of by the congreſs and ordered to be ingroſſed.

The congreſs adjourn to to-morrow morning, nine o'clock.

*Tueſday, Oct.* 22, 1765, A. M.

The congreſs met according to adjournment.

The addreſs to his Majeſty being ingroſſed, was read and compared, and is as follows, viz.

*To the King's moſt excellent Majeſty.*

The Petition of the freeholders and other inhabitants of the Maſſachuſetts-bay, Rhode-Iſland, and Providence plantations, New-Jerſey, Pennſylvania, the government of the counties of Newcaſtle, Kent, and Suſſex, upon Delaware, province of Maryland,

*Moſt humbly ſheweth,*

That the inhabitants of theſe colonies, unanimouſly devoted with the warmeſt ſentiments of duty and affection to your Majeſty's ſacred perſon and government, inviolably attached to the preſent happy eſtabliſhment of the proteſtant ſucceſſion in your illuſtrious houſe, and deeply ſenſible of your royal attention to their proſperity and happineſs, humbly beg leave to approach the throne, by repreſenting to your Majeſty, that theſe colonies were originally planted by ſubjects of the Britiſh crown, who, animated with the ſpirit of liberty, encouraged by your Majeſty's royal predeceſſors, and confiding in the public faith, for the enjoyment of all the

the rights and liberties eſſential to freedom, emigrated from their native country to this continent, and by their ſucceſsful perſeverance in the midſt of innumerable dangers and difficulties, together with a profuſion of their blood and treaſure, have happily added theſe vaſt and valuable dominions to the empire of Great Britain. That for the enjoyment of theſe rights and liberties, ſeveral governments were early formed in the ſaid colonies, with full power of legiſlation, agreeable to the principles of the Engliſh conſtitution.

That under thoſe governments, theſe liberties, thus veſted in their anceſtors, and tranſmitted to their poſterity, have been exerciſed and enjoyed, and by the ineſtimable bleſſings thereof (under the favour of Almighty God) the inhoſpitable deſarts of America have been converted into flouriſhing countries; ſcience, humanity, and the knowledge of divine truths, diffuſed through remote regions of ignorance, infidelity, and barbariſm; the number of Britiſh ſubjects wonderfully increaſed, and the wealth and power of Great Britain proportionably augmented.

That by means of theſe ſettlements, and the unparallelled ſucceſs of your Majeſty's arms, a foundation is now laid for rendering the Britiſh empire the moſt extenſive and powerful of any recorded in hiſtory. Our connection with this empire, we eſteem our greateſt happineſs and ſecurity, and humbly conceive it may now be ſo eſtabliſhed by your royal wiſdom, as to endure to the lateſt period of time; this, with moſt humble ſubmiſſion to your Majeſty, we apprehend will be moſt effectually accompliſhed, by fixing the pillars thereof on liberty and juſtice, and ſecuring the inherent rights and liberties of your ſubjects here, upon the principles of the Engliſh conſtitution. To this conſtitution theſe two principles are eſſential, the rights of your faithful ſubjects, freely to grant to your Majeſty, ſuch aids as are required for the ſupport of your government over them, and other public exigencies, and trials by their peers: by the one they are ſecured from unreaſonable impoſitions; and by the other from arbitrary deciſions of the executive power.

The continuation of theſe liberties to the inhabitants of America we ardently implore, as abſolutely neceſſary to unite the ſeveral parts of your wide extended dominions, in that harmony ſo eſſential to the preſervation and happineſs of the whole. Protected in theſe liberties, the emoluments Great Britain receives from us, however great at preſent, are inconſiderable,

ſiderable, compared with thoſe ſhe has the faireſt proſpect of acquiring. By this protection ſhe will for ever ſecure to herſelf the advantage of conveying to all Europe, the merchandiſes which America furniſhes, and of ſupplying through the ſame channel whatever is wanted from thence. Here opens a boundleſs ſource of wealth and naval ſtrength; yet theſe immenſe advantages, by the abridgment of thoſe invaluable rights and liberties, by which our growth has been nouriſhed, are in danger of being for ever loſt; and our ſubordinate legiſlatures, in effect, rendered uſeleſs, by the late acts of parliament impoſing duties and taxes on theſe colonies, and extending the juriſdiction of the courts of admiralty here, beyond its ancient limits: ſtatutes by which your Majeſty's commons in Britain undertake abſolutely to diſpoſe of the property of their fellow ſubjects in America, without their conſent, and for the enforcing whereof, they are ſubjected to the determination of a ſingle judge in a court unreſtrained by the wiſe rules of the common law, the birthright of Engliſhmen, and the ſafe-guard of their perſons and properties.

The invaluable rights of taxing ourſelves, and trial by our peers, of which we implore your Majeſty's protection, are not, we moſt humbly conceive unconſtitutional; but confirmed by the great Charter of Engliſh liberty. On the firſt of theſe rights the honourable the houſe of commons found their practice of originating money bills, a right enjoyed by the kingdom of Ireland, by the clergy of England, until relinquiſhed by themſelves, in fine, which all other your Majeſty's Engliſh ſubjects, both within and without the realm, have hitherto enjoyed.

With hearts, therefore, impreſſed with the moſt indelible characters of gratitude to your Majeſty, and to the memory of the kings of your illuſtrious houſe, whoſe reigns have been ſignally diſtinguiſhed by their auſpicious influence on the property of the Britiſh dominions, and convinced by the moſt affecting proofs of your Majeſty's paternal love to all your people, however diſtant, and your unceaſing and benevolent deſires to promote their happineſs, we moſt humbly beſeech your Majeſty, that you will be graciouſly pleaſed to take into your royal conſideration the diſtreſſes of your faithful ſubjects on this continent, and to lay the ſame before your Majeſty's parliament, and to afford them ſuch relief, as

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in your royal wiſdom their unhappy circumſtances ſhall be judged to require.

*And your petitioners as in duty bound will pray.*

The memorial to the lords in parliament was read and compared, and is as follows, viz.

*To the right honourable the Lords ſpiritual and temporal of Great Britain, in parliament aſſembled.*

The Memorial of the freeholders and others inhabitants of the Maſſachuſetts-bay, Rhode Iſland, and Providence, New-jerſey, Pennſylvania, the government of the counties of New-caſtle, Kent, and Suſſex, upon Delaware, province of Maryland.

*Moſt humbly ſheweth,*

That his Majeſty's liege ſubjects in his American colonies, though they acknowledge a due ſubordination to that auguſt body the Britiſh parliament, are entitled, in the opinion of your memorialiſts, to all the inherent rights and liberties of the natives of Great Britain, and have ever ſince the ſettlement of the ſaid colonies exerciſed thoſe rights and liberties, as far as their local circumſtances would permit.

That your memorialiſts humbly conceive one of the moſt eſſential rights of theſe colonies, which they have ever, till lately, uninterruptedly enjoyed, to be trial by jury.

That your memorialiſts alſo humbly conceive another of theſe eſſential rights to be, the exemption from all taxes, but ſuch as are impoſed on the people by the ſeveral legiſlatures in theſe colonies, which right alſo they have till of late, freely enjoyed.

But your memorialiſts humbly beg leave to repreſent to your lordſhips, that the act for granting certain ſtamp-duties in the Britiſh colonies in America, &c. fills his Majeſty's American ſubjects with the deepeſt concern, as it tends to deprive them of the two fundamental and invaluable rights and liberties above-mentioned, and that ſeveral other late acts of parliament, which extend the juriſdiction and powers of courts of admiralty in the plantations, beyond their limits in Great Britain, thereby make an unneceſſary and unhappy diſtinction as to the modes of trial, between us and our fellow ſubjects there, by whom we never have been excelled in duty and loyalty to our Sovereign.

That from the natural connection between Great Britain and America, the perpetual continuance of which your memorialiſts moſt ardently deſire, they conceive that nothing

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can conduce more to the intereſt of both, than the coloniſts free enjoyment of their rights and liberties, and an affectionate intercourſe between Great Britain and them. But your memorialiſts (not waving their claim to theſe rights, of which with the moſt becoming veneration and deference to the wiſdom and juſtice of your lordſhips, they apprehend they cannot reaſonably be deprived) humbly repreſent, That from the peculiar circumſtances of theſe colonies, the duties impoſed by the aforeſaid act, and ſeveral other late acts of parliament, are extremely grievous and burthenſome, and the payment of the ſaid duties will very ſoon, for want of ſpecie, become abſolutely impracticable; and that the reſtrictions on trade, by the ſaid acts, will not only greatly diſtreſs the colonies, but muſt be extremely detrimental to the trade and true intereſt of Great Britain.

Your memorialiſts, therefore, impreſſed with a juſt ſenſe of the unfortunate circumſtances of the colonies, and the impending deſtructive conſequences which muſt neceſſarily enſue from the execution of thoſe acts, animated with the warmeſt ſentiments of filial affection for their mother-country, moſt earneſtly and humbly entreat, That your lordſhips will be pleaſed to hear their council in ſupport of this memorial, and take the premiſſes into your moſt ſerious conſideration, and that your lordſhips will alſo be thereupon pleaſed to purſue ſuch meaſures for reſtoring the juſt rights and liberties of the colonies, and preſerving them for ever inviolate, for redreſſing their preſent, and preventing future grievances, thereby promoting the united intereſt of Great Britain and America, as to your lordſhips, in your great wiſdom, ſhall ſeem moſt conducive and effectual to that important end.

*And your memorialiſts as in duty bound will ever pray.*

*Wedneſday, Oct.* 23, 1765, A. M.

The congreſs met according to adjournment.

The petition to the houſe of commons being ingroſſed, was read and compared, and is as follows, viz.

*To the honourable the knights, citizens, and burgeſſes of Great Britain, in parliament aſſembled.*

The Petition of his Majeſty's dutiful and loyal ſubjects, the freeholders and other inhabitants of the colonies of the Maſſachuſetts-bay, Rhode Iſland, and Providence plantations, , , New-Jerſey, Pennſylvania, the government of the counties of Newcaſtle, Kent, and Suſſex, upon Delaware, Maryland.

*Moſt*

*Moſt humbly ſheweth,*

That the ſeveral late acts of parliament, impoſing divers duties and taxes on the colonies, and laying the trade and commerce thereof under very burthenſome reſtrictions, but above all the act for granting and applying certain ſtamp duties, &c. in America, have filled them with the deepeſt concern and ſurprize; and they humbly conceive the execution of them will be attended with conſequences very injurious to the commercial intereſt of Great-Britain and her colonies, and muſt terminate in the eventual ruin of the latter.

Your petitioners therefore moſt ardently implore the attention of the honourable houſe, to the united and dutiful repreſentation of their circumſtances, and to their earneſt ſupplications for relief, from thoſe regulations which have already involved this continent in anxiety, confuſion, and diſtreſs.

We moſt ſincerely recognize our allegiance to the crown, and acknowledge all due ſubordination to the parliament of Great-Britain, and ſhall always retain the moſt grateful ſenſe of their aſſiſtance and protection. It is from and under the Engliſh conſtitution, we derive all our civil and religious rights and liberties: we glory in being ſubjects of the beſt of kings, and having been born under the moſt ineffable and humiliating ſorrow, that we find ourſelves, of late, deprived of the right of granting our own property for his Majeſty's ſervice, to which our lives and fortunes are entirely devoted, and to which, on his royal requiſitions, we have ever been ready to contribute to the utmoſt of our abilities.

We have alſo the misfortune to find, that all the penalties and forfeitures mentioned in the ſtamp act, and in divers late acts of trade extending to the plantations, are, at the election of the informer, recoverable in any court of admiralty in America. This, as the newly erected court of admiralty has a general juriſdiction over all Britiſh America, renders his Majeſty's ſubjects, in theſe colonies, liable to be carried, at an immenſe expence, from one end of the continent to the other.

It gives us alſo great pain to ſee a manifeſt diſtinction made therein, between the ſubjects of our mother-country, and thoſe in the colonies, in that the like penalties and forfeitures recoverable there only in his Majeſty's court of record, are made cognizable here by a court of admiralty:

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by theſe means we ſeem to be, in effect, unhappily deprived of two privileges eſſential to freedom, and which all Engliſhmen have ever conſidered as their beſt birthrights, that of being free from all taxes but ſuch as they have conſented to in perſon, or by their repreſentatives, and of trials by their peers.

Your petitioners further ſhew, That the remote ſituation, and other circumſtances of the colonies, render it impracticable that they ſhould be repreſented, but in their reſpective ſubordinate legiſlature; and they humbly conceive, that the parliament, adhering ſtrictly to the principles of the conſtitution, have never hitherto taxed any but thoſe who were actually therein repreſented; for this reaſon, we humbly apprehend, they never have taxed Ireland, or any other of the ſubjects without the realm.

But were it ever ſo clear, that the colonies might in law be reaſonably deemed to be repreſented in the honourable houſe of commons, yet we conceive, that very good reaſons, from inconvenience, from the principles of true policy, and from the ſpirit of the Britiſh conſtitution, may be adduced to ſhew, that it would be for the real intereſt of Great-Britain, as well as her colonies, that the late regulations ſhould be reſcinded, and the ſeveral acts of parliament impoſing duties and taxes on the colonies, and extending the juriſdiction of the courts of admiralty here, beyond their ancient limits, ſhould be repealed.

We ſhall not attempt a minute detail of all the reaſons which the wiſdom of the honourable houſe may ſuggeſt, on this occaſion, but would humbly ſubmit the following particulars to their conſideration.

That money is already become very ſcarce in theſe colonies, and is ſtill decreaſing by the neceſſary exportation of ſpecie from the continent, for the diſcharge of our debts to Britiſh merchants.

That an immenſely heavy debt is yet due from the colonies for Britiſh manufactures, and that they are ſtill heavily burthened with taxes to diſcharge the arrearages due for aids granted by them in the late war.

That the balance of trade will ever be much againſt the colonies, and in favour of Great-Britain, whilſt we conſume her manufactures, the demand for which muſt ever increaſe in proportion to the number of inhabitants ſettled here, with the means of purchaſing them. We therefore

humbly conceive it to be the intereſt of Great-Britain, to increaſe, rather than diminiſh, thoſe means, as the profits of all the trade of the colonies ultimately center there to pay for her manufactures, as we are not allowed to purchaſe elſewhere; and by the conſumption of which, at the advanced prices the Britiſh taxes oblige the makers and venders to ſet on them, we eventually contribute very largely to the revenue of the crown.

That from the nature of American buſineſs, the multiplicity of ſuits and papers uſed in matters of ſmall value, in a country where freeholds are ſo minutely divided, and property ſo frequently transferred, a ſtamp duty muſt ever be very burthenſome and unequal.

That it is extremely improbable that the honourable houſe of commons ſhould, at all times, be thoroughly acquainted with our condition, and all facts requiſite to a juſt and equal taxation of the colonies.

It is alſo humbly ſubmitted, Whether there be not a material diſtinction in reaſon and ſound policy, at leaſt, between the neceſſary exerciſe of parliamentary juriſdiction in general acts, for the amendment of the common law, and the regulation of trade and commerce through the whole empire, and the exerciſe of that juriſdiction, by impoſing taxes on the colonies.

That the ſeveral ſubordinate provincial legiſlatures have been moulded into forms, as nearly reſembling that of their mother-country, as by his Majeſty's royal predeceſſors was thought convenient; and their legiſlatures ſeem to have been wiſely and graciouſly eſtabliſhed, that the ſubjects in the colonies might, under the due adminiſtration thereof, enjoy the happy fruits of the Britiſh government, which in their preſent circumſtances they cannot be ſo fully and clearly availed of, any other way under theſe forms of government we and our anceſtors have been born or ſettled, and have had our lives, liberties and properties protected. The people here, as every where elſe, retain a great fondneſs for their old cuſtoms and uſages, and we truſt that his Majeſty's ſervice, and the intereſt of the nation, ſo far from being obſtructed, have been vaſtly promoted by the provincial legiſlatures.

That we eſteem our connections with, and dependance on Great-Britain, as one of our greateſt bleſſings, and apprehend the latter will appear to be ſufficiently ſecure, when

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it is conſidered, that the inhabitants in the colonies have the moſt unbounded affection for his Majeſty's perſon, family and government, as well as for the mother-country, and that their ſubordination to the parliament is univerſally acknowledged.

We, therefore, moſt humbly entreat, That the honourable houſe would be pleaſed to hear our counſel in ſupport of this petition, and take our diſtreſſed and deplorable caſe into their ſerious conſideration, and the acts and clauſes of acts, ſo grievouſly reſtraining our trade and commerce, impoſing duties and taxes on our property, and extending the juriſdiction of the court of admiralty beyond its ancient limits, may be repealed; or that the honourable houſe would otherwiſe relieve your petitioners, as in your great wiſdom and goodneſs ſhall ſeem meet.

*And your petitioners as in duty bound ſhall ever pray.*

Then the congreſs adjourned till to-morrow morning, ten o'clock.

*Thurſday, October* 24, 1765.

The congreſs met according to adjournment.

The congreſs took into conſideration the manner in which their ſeveral petitions ſhould be preferred and ſolicited in Great-Britain, and came to the following determination, viz.

It is recommended by the congreſs, to the ſeveral colonies, to appoint ſpecial agents for ſoliciting relief from their great grievances, and unite their utmoſt intereſt and endeavours for that purpoſe.

Voted unanimouſly, That the clerk of this congreſs ſign the minutes of their proceedings, and deliver a copy for the uſe of each colony and province.

By order of the congreſs,

JOHN COTTON, Clerk.

*Savannah in Georgia, Sept.* 6, 1765.

(C O P Y.)

Sir,

Your letter dated in June laſt, acquainting me, that the houſe of repreſentatives of your province, had unanimouſly agreed to propoſe a meeting at the city of New-York, of committees, from the houſes of repreſentatives of the ſeveral Britiſh colonies on this continent, on the firſt Tueſday in October next, to conſult together on the preſent circum-

ſtances of the colonies, and the difficulties to which they are, and muſt be reduced, by the operation of the acts of parliament for laying duties and taxes on the colonies, and to conſider of an humble repreſentation of their condition to his Majeſty and the parliament, and to implore relief, came to hand at an unlucky ſeaſon, it being in the receſs of the general aſſembly of this province; nevertheleſs, immediately upon the receipt of your letter, I diſpatched expreſſes to the ſeveral repreſentatives of this province, acquainting them with the purport thereof, and requeſting them to meet at this place without delay, and accordingly they met here on Monday laſt, to the number of ſixteen, being a large majority of the repreſentatives of this province, the whole conſiſting of twenty-five perſons; but his excellency our governor being applied to, did not think it expedient to call them together on the occaſion, which is the reaſon of their not ſending a committee, as propoſed by your houſe, for you may be aſſured, Sir, that no repreſentatives on this continent can more ſincerely concur in the meaſures propoſed, than do the repreſentatives of this province now met together, neither can any people, as individuals, more warmly eſpouſe the common cauſe of the colonies, than do the people of this province.

The gentlemen now preſent, requeſt it as a favour, you'll be pleaſed to ſend me a copy of ſuch repreſentation as may be agreed upon by the ſeveral committees at New-York, and to acquaint me how, and in what manner, the ſame is to be laid before the king and parliament, whether by any perſon particularly authoriſed for that purpoſe, or by the colony agents. The general aſſembly of this province ſtands prorogued to the 22d day of October next, which is the time it generally meets for the diſpatch of the ordinary buſineſs of the province; and I doubt not the repreſentatives of this province will then, in their legiſlative capacity, take under conſideration the grievances ſo juſtly complained of, and tranſmit their ſenſe of the ſame to Great-Britain, in ſuch way as may ſeem beſt calculated to obtain redreſs, and ſo as to convince the ſiſter colonies of their inviolable attachment to the common cauſe. I am, Sir, your moſt obedient, and moſt huble ſervant,

*To Samuel White, Eſq. Speaker of the Houſe of Repreſentatives of Maſſachuſetts, &c.*

ALEXANDER WILLY.

*New-*

*New-Hampſhire.*

Mr. Speaker laid before the houſe a letter from the honourable Speaker of the honourable houſe of repreſentatives of the province of the Maſſachuſett's-bay, to the Speaker of this aſſembly, propoſing a meeting of committees, from the ſeveral aſſemblies of the Britiſh colonies on the continent, at New-York, to conſider of a general, united, dutiful, loyal, and humble repreſentation of our circumſtances, and for imploring his Majeſty and the parliament for relief: which being read,

Reſolved, That notwithſtanding we are ſenſible ſuch repreſentation ought to be made, and approve of the method for obtaining thereof, yet the preſent ſituation of our governmental affairs will not permit us to appoint a committee to attend ſuch meeting, but ſhall be ready to join in any addreſs to his Majeſty and the parliament we may be honoured with the knowledge of, probable to anſwer the propoſed end.

A. CLARKSON, Clerk.

The two foregoing letters are true copies from the original.

Atteſt. JOHN COTTON, Clerk.

Adjourned to to-morrow morning nine o'clock.

*Friday, October* 25, 1765.

The congreſs met according to adjournment.

Time not permitting the clerk to make copies at large, of the proceedings of the congreſs, for all the colonies, they think it proper, ſhould be furniſhed therewith;

Reſolved, That the gentlemen from the Maſſachuſetts-bay be requeſted to ſend a copy thereof to the colony of New-Hampſhire; the gentlemen of Maryland to Virginia; and the gentlemen of South Carolina to Georgia, and North Carolina. Signed per order,

J. COTTON, Clerk.

An account of the diſpoſition of the £. 500 granted by ordinance, and received of the treaſurer, by William Murdock, Edward Tilghman, and Thomas Ringgold.

| | £. | s. | d. |
|---|---|---|---|
| To caſh paid the whole expences of the committee to New-York, there and back again. | 138 | 14 | 1 |
| To caſh paid expreſs to New-York, to give notice of our coming. | 15 | 0 | 0 |

| | £. | s. | d. |
|---|---|---|---|
| Brought over - - - - - - | 153 | 14 | 1 |
| To paid for expreſs, to ſend a copy of our proceedings to the Speaker of Virginia. | 1 | 10 | 0 |
| To paid for a bill of exchange, to remit to Charles Garth, Eſq; with the addreſs and petitions 150 l. ſterling, at 65 per cent. exchange. | 247 | 10 | 0 |
| Caſh remaining in hand 127 piſtoles, and 18/8. | 172 | 7 | 8 |
| | 575 | 1 | 9 |

By caſh received of the Treaſurer in gold, £. 500, at 5/6 per dwt. as follows:

| | £. | s. | d. |
|---|---|---|---|
| 409 Spaniſh piſtoles, at 27/. - - - | 532 | 3 | 0 |
| 5 Half Johannes, at 57/6. - - - | 14 | 7 | 6 |
| 5 French piſtoles, at 26/6. - - - | 5 | 6 | 0 |
| 1 Moidore, - - - - - - | 2 | 3 | 6 |
| 1 Half ditto, - - - - - | 1 | 1 | 9 |
| | 575 | 1 | 9 |

SIR, *October* 26th, 1765.

We had the honour to be appointed by the houſe of repreſentatives of the province of Maryland, a committee, to meet committees of the members of aſſembly of the other colonies on this continent, at New-York, the firſt of this inſtant, to join in a general, and united, dutiful, loyal, and humble repreſentation of the condition of thoſe colonies, to his Majeſty and the parliament, and to implore relief from the grievous burthens laid upon our trade, and the taxes and duties lately impoſed on us, eſpecially by the Stamp-act.

Accordingly members from nine colonies met, to wit, from the Maſſachuſets-bay, Connecticut, Rhode-iſland and Providence plantations, New-York, New-Jerſey, Pennſylvania, the government of the counties of Newcaſtle, Kent, and Suſſex, upon Delaware, Maryland, and South Carolina, but as you'll find the addreſs, &c. ſigned only by members from ſix to thoſe colonies, it may be proper to acquaint you with the reaſons why they did not all ſign, though they all concurred with the proceedings.

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The lieutenant-governor of New-York prorogued their aſſembly from time to time, ſo that their houſe had not an opportunity of appointing members with full powers to join, and ſign the addreſs, &c. Yet the aſſembly of New-York having, at their leſt meeting, appointed five of their members as a committee, not only to correſpond with their agent at home, but alſo during the receſs of the houſe, to write to and correſpond with the ſeveral aſſemblies, or committees of aſſemblies on this continent, on the ſubject matter of the ſeveral late acts of parliament, ſo grievous and dangerous to their colonies, it was thought proper to admit this committee to join in the conferences, and they agreed to what was done, and promiſed to uſe their endeavours with their aſſembly to concur alſo whenever they ſhould be permitted to meet.

The South-Carolina aſſembly, not rightly viewing the propoſal (which originally came from the aſſembly of the government of the Maſſachuſetts-bay) as it was intended that the ſeveral committees, when met, ſhould frame and ſign an addreſs to his Majeſty, and memorial and petition to the parliament, to be immediately diſpatched by the congreſs, inſtructed their members (Meſſrs. Lynch, Rutledge, and Gadſen) to return their proceedings to them for approbation. The Connecticut aſſembly made the ſame reſtrictions in their inſtructions. The aſſembly alſo of New Hampſhire wrote, that they had reſolved, That notwithſtanding they were ſenſible ſuch a repreſentation ought to be made, and approved of the propoſed method for obtaining thereof, yet the preſent ſituation of their governmental affairs would not permit them to appoint a committee to attend ſuch meeting, but ſhould be ready to join in any addreſs to his Majeſty and the parliament they might be honoured with the knowledge of, probable to anſwer the propoſed end: and the Speaker of the aſſembly of Georgia wrote, that a majority of their members had applied to the governor to call their aſſembly, and he did not think it expedient, which was the reaſon they did not ſend a committee as propoſed, but requeſted us to tranſmit a copy of our proceedings to them (which will be done) and that their aſſembly would meet about this time, and he did not doubt but they ſhould act ſo as to convince the ſiſter colonies of their inviolable attachment to the common cauſe: we alſo underſtood the North-Carolina, and we know the Virginia aſ-

ſembly was prorogued, whereby they could not have the opportunity of joining us; ſo that we doubt not but the colonies who have not ſigned, will very ſpeedily tranſmit ſimilar addreſſes, &c. if their aſſemblies ſhould not be hindered from meeting; and to this purpoſe, we hope you'll ſoon hear from the aſſembly of South-Carolina. By the gentlemen of that colony we were favoured with a ſight of your late letters, and informed of your careful and ſpirited conduct with regard to the intereſts of that colony, and that, together with your declaration which we find in thoſe letters, that you enjoy an independent ſeat in the Britiſh parliament, induced us (as we have no eſtabliſhed agent at preſent, for this province, nor have yet been able to obtain a law to tax ourſelves for that purpoſe) to trouble you with our requeſt, that you will preſent the incloſed addreſs to his Majeſty, and memorial and petition to the houſes of parliament, and exert your utmoſt intereſt and abilities in behalf of this poor diſtreſſed country, and of this province in particular.

We hope, as there is a change in the miniſtry, and as the gentlemen in the houſe of commons may, at their next meeting, take a more enlarged view of the true intereſt of Great-Britain and her colonies, they will find it to be in ſupporting the rights and encouraging the trade of the latter, and that the happineſs of the mother-country and her colonies muſt be inſeparable, and that we ſhall obtain relief.

The ſeveral committees agreed to recommend it to their reſpective colonies, to appoint ſpecial agents on this occaſion, and to inſtruct them to unite their utmoſt intereſt and endeavours for that purpoſe. One addreſs, &c. was tranſmitted by the gentlemen of the Maſſachuſetts government, immediately to their agent (Mr. Jackſon we underſtood) and we expect the other colonies will have duplicates ſent to their agents, and we hope will all unite in expence and inſtructions, to have able counſel before both the lords and commons, as our petitions pray.

We were intruſted with the diſpoſition of ſome money upon this occaſion, and incloſe you a bill of exchange, on Meſſrs. Capel and Oſgood Hanbury, for one hundred and fifty pounds ſterling, as a compenſation for your trouble and expence in this affair. We doubt not our aſſembly will approve of what we do in this matter; and as they are to meet the laſt of this month, we ſhall lay our proceedings before them,

them, and it is probable they will write you more fully, and furniſh you with ſuch further inſtructions and arguments as may appear to them to be proper to be given and urged on this occaſion, in behalf of the colonies. We are your moſt obedient ſervants.

*(End of the proceedings of the Congreſs.)*

The ſum expected to be raiſed by the ſtamp-duty, was £.100,000 *per annum.*

On the 9th of July 1765, the board of treaſury (in London) entered upon their books the following minute: "That, in order to obviate the inconvenience of bringing into this kingdom the money to be raiſed by the ſtamp-duties, all the produce of the American duties, ariſing or to ariſe by virtue of any Britiſh act of parliament, ſhould from time to time be paid to the deputy pay-maſter in America, to defray the ſubſiſtence of the troops, and any military expences incurred in the colonies."

In June 1765, the king thought proper to diſmiſs his miniſters. The Marquis of Rockingham was appointed firſt lord of the treaſury, and others, his lordſhip's friends, ſucceeded to the vacant places.

The reſolutions of the houſe of burgeſſes of Virginia (in pages 10 and 11) being laid before the new board of trade, they, on the 27th of Auguſt, repreſented to the king in council, "That the reſolutions, as they contain an abſolute diſavowal of the right of the parliament of Great-Britain to impoſe taxes upon her colonies, and a daring attack upon the conſtitution of this country, appear to us to require an immediate and ſerious attention; and whatever further meaſures your Majeſty may, with the advice of your council, judge proper to be taken either for expreſſing your royal diſapprobation of theſe proceedings, or for preventing the fatal conſequences which they naturally tend to produce, we think it our duty to ſubmit to your Majeſty's conſideration, whether, in the mean time, it may not be expedient to diſpatch immediate inſtructions to your Majeſty's ſervants in your Majeſty's colony of Virginia, who may be concerned in enforcing the execution of the law for levying the duty upon ſtamps, that they do each in their ſeveral department, in ſupport of the authority of parliament, vigorouſly exert themſelves, and, with becoming reſolution upon every occaſion, exact a due obedience to all the laws of the land."

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This repreſentation was referred to the privy council.

On the 3d of October, 1765, the privy council reported to the king, "That this is a matter of the utmoſt importance to the kingdom and legiſlature of Great Britain; and of too high a nature for the determination of your Majeſty in your privy council, and is proper only for the conſideration of Parliament."

The reſolutions of the other aſſemblies of the colonies were in like manner repreſented to the king by the new board of trade, and referred to the privy council, who reported of them in ſimilar terms.

Parliament, however, did not meet for buſineſs till January 1766, when the following papers were laid before both houſes.

*Copy of a letter from Mr. Secretary Conway, to Lieutenant Governor Fauquier.*

SIR, *Sept.* 14, 1765.

IT is with the greateſt pleaſure I received his Majeſty's commands to declare to you his moſt gracious approbation of your conduct. His Majeſty and his ſervants are ſatisfied, that the precipitate reſolutions you ſent home did not take their riſe from any remiſſneſs or intention in you; nor is his Majeſty at all inclined to ſuppoſe, that any inſtance of diffidence or diſſatisfaction could be founded in the general inclination of his antient and loyal colony of Virginia; the nature of the thing and your repreſentations induce a perſuaſion, that thoſe ill-adviſed reſolutions owed their birth to the violence of ſome individuals, who taking the advantage of a thin aſſembly, ſo far prevailed, as to publiſh their own unformed opinions to the world as the ſentiments of the colony. But his Majeſty, Sir, will not, by the prevalence of a few men, at a certain moment, be perſuaded to change the opinion, or leſſen the confidence, he has always entertained of the colony of Virginia; which has always experienced the protection of the crown. His Majeſty's ſervants, therefore, with entire reliance on your prudence, and on the virtue and wiſdom of the colony entruſted to your care, perſuade themſelves, that when a full aſſembly ſhall calmly and maturely deliberate upon thoſe reſolutions, they will ſee, and be themſelves alarmed at, the dangerous tendency and miſchievous conſequences which they might be productive of, both to the mother country and the colonies, which

which are the equal objects of his Majesty's parental care; and whose mutual happiness and prosperity certainly require a confidential reliance of the colonies upon the mother country.

Upon these principles, Sir, and upon your prudent management, and a proper representation to the wise and sober part of the people, how earnest his Majesty is to extend the happy influence of his fatherly care over every part of his dominions, it is expected that a full assembly will form very different resolutions, such as may cement that union, which alone can establish the safety and prosperity of the colonies and the mother country.

As there is no intention in the crown to attempt, nor in the king's servants to advise, any incroachments on the real rights and liberties of any part of his Majesty's subjects; so neither will his Majesty undoubtedly submit, or his servants advise, under any circumstances, that the respect which is due to parliament, and which is necessary for the good of the whole British empire should any where be made a sacrifice to local and dangerous prejudices.

As this important matter is, however, now before his Majesty's privy council, as well as the other consideration of the dangerous riot and mutinous behaviour of the people on the frontiers, I shall not pretend to give any advice or instructions on these subjects; not doubting, but you will soon have the fullest from the wisdom of that board, in all those things, in which, by your last accounts, the most essential interests of the colony are so deeply concerned.

You will therefore, in the mean time, be very attentive, by every prudent measure in your power, at once to maintain the just rights of the British government, and to preserve the peace and tranquility of the provinces committed to your care.

But as these appear to me matters of government fit for his Majesty's more immediate notice and information, I must beg you will not fail to transmit to me such occurrences, from time to time, on these heads, as you may deem of importance in the light I mention. I am, &c.

H. S. CONWAY.

*Extract*

*Extract of a letter from Mr. Secretary Conway, to Major General Gage.*

SIR, *October* 24, 1765.

IT is with the greateſt concern, that his Majeſty learns the diſturbances which have ariſen in ſome of the North American colonies: theſe events will probably create appliſtion to you, in which the utmoſt exertion of your prudence may be neceſſary; ſo as juſtly to temper your conduct between that caution and coolneſs, which the delicacy of ſuch a ſituation may demand on one hand, and the vigour neceſceſſary to ſuppreſs outrage and violence on the other. It is impoſſible, at this diſtance, to aſſiſt you by any particular or poſitive inſtruction, becauſe you will find yourſelf neceſſarily obliged to take your reſolution as particular circumſtances and emergencies may require.

It is hoped, and expected, that this want of confidence in the juſtice and tenderneſs of the mother country, and this open reſiſtance to its authority, can only have found place among the lower and more ignorant of the people. The better and wiſer part of the colonies will know, that decency and ſubmiſſion may prevail, not only to redreſs grievances, but to obtain grace and favour, while the outrage of a public violence can expect nothing but ſeverity and chaſtiſement. You, and all his Majeſty's ſervants, from a ſenſe of your duty to, and love of, your country, will endeavour to excite and encourage theſe ſentiments.

If, by lenient and perſuaſive methods, you can contribute to reſtore that peace and tranquility to the provinces, on which their welfare and happineſs depend, you will do a moſt acceptable and eſſential ſervice to your country: but having taken every ſtep which the utmoſt prudence and lenity can dictate, in compaſſion to the folly and ignorance of ſome miſguided people, you will not, on the other hand, where your aſſiſtance may be wanted to ſtrengthen the hands of government, fail to concur in every proper meaſure for its ſupport, by ſuch a timely exertion of force, as may be neceſſary to repel acts of outrage and violence, and to provide for the maintenance of peace and good order in the provinces.

*Copy*

*Copy of a Letter from Mr. Secretary Conway, to Governor Bernard.*

SIR, *October* 24, 1765.

YOUR letters of the 15th, 16th, 22d, and 31ſt of Auguſt, have been received; the three former not till yeſterday.

It is with the greateſt concern his Majeſty learns the diſturbances which have lately ariſen in your province, the general confuſion that ſeems to reign there, and the total languor and want of energy, in your government, to exert itſelf with any dignity or efficacy, for the ſuppreſſion of tumults, which ſeem to ſtrike at the very being of all authority and ſubordination among you. His Majeſty cannot but, with the greateſt ſurprize, hear of the refuſal of your council to call for the aid of any regular force to the ſupport of the civil magiſtracy, at a time when, it ſeems, you had reaſon to think, there was no other power capable of providing for the peace and quiet of the province.

Nothing can, certainly, exceed the ill-adviſed and intemperate conduct held by a party in your province, which can in no way contribute to the removal of any real grievance they might labour under, but may tend to obſtruct and impede the exertion of his Majeſty's benevolent attention to the eaſe and comfort, as well as the welfare of all his people.

It is hoped, and expected, that this want of confidence in the juſtice and tenderneſs of the mother country, and this open reſiſtance to its authority, can only have found place among the lower and more ignorant of the people; the better and more wiſe part of the colonies will know, that decency and ſubmiſſion may prevail, not only to redreſs grievances, but to obtain grace and favour, while the outrage of a public violence can expect nothing but ſeverity and chaſtiſement. Theſe ſentiments, you, and all his Majeſty's ſervants, from a ſenſe of your duty to, and love of, your country, will endeavour to excite and encourage: you will all, in a particular manner, call upon them not to render their caſe deſperate; you will, in the ſtrongeſt colours, repreſent to them the dreadful conſequences that muſt inevitably attend the forcible and violent reſiſtance to acts of the Britiſh parliament, and the ſcene of miſery and diſtraction to both countries, inſeparable from ſuch a conduct.

If, by lenient and perſuaſive methods, you can contribute to reſtore that peace and tranquility to the provinces, on which

which their welfare and happineſs depend, you will do a moſt acceptable and eſſential ſervice to your country; but having taken every ſtep which the utmoſt prudence and lenity can dictate, in compaſſion to the folly and ignorance of ſome miſguided people, you will not, on the other hand, fail to uſe your utmoſt power for repelling all acts of outrage and violence, and to provide for the maintenance of peace and good order in the province, by ſuch a timely exertion of force, as the occaſion may require; for which purpoſe, you will make the proper applications to General Gage, or Lord Colvil, commanders of his Majeſty's land and naval forces in America: for however unwilling his Majeſty may conſent to the exertion of ſuch powers as may endanger the ſafety of a ſingle ſubject, yet can he not permit his own dignity, and the authority of the Britiſh legiſlature, to be trampled on by force and violence, and in avowed contempt of all order, duty and decorum.

If the ſubject is aggrieved, he knows in what manner legally and conſtitutionally to apply for relief: but it is not ſuitable, either to the ſafety or dignity of the Britiſh empire, that any individuals, under the pretence of redreſſing grievances, ſhould preſume to violate the public peace.

I am, &c. H. S. CONWAY.

P. S. The ſloop which carries this will carry orders to Lord Colvil, and to the Governor of Nova Scotia, to ſend to your aſſiſtance any force which may be thought neceſſary from thence, and which that province can ſupply.

*Copy of Mr. Secretary Conway's circular letter to the Governors in North-America.*

SIR, *October* 24, 1765.

It is with the greateſt concern, that his Majeſty learns the diſturbances which have ariſen in ſome of the North-American colonies: if this evil ſhould ſpread to the Government of ———, where you preſide, the utmoſt exertion of your prudence will be neceſſary, ſo as juſtly to temper your conduct between that caution and coolneſs which the delicacy of ſuch a ſituation may demand, on the one hand, and the vigour neceſſary to ſuppreſs outrage and violence, on the other. It is impoſſible, at this diſtance, to aſſiſt you, by any particular or poſitive inſtruction; becauſe you will find yourſelf neceſſarily obliged to take your reſolution, as particular circumſtances and emergencies may require.

His

His Majeſty, and the ſervants he honours with his confidence, cannot but lament the ill-adviſed intemperance ſhewn already in ſome of the provinces, by taking up a conduct, which can in no way contribute to the removal of any real grievance they might labour under, but may tend to obſtruct and impede the exertion of his Majeſty's benevolence and attention to the eaſe and comfort, as well as the welfare, of all his people.

It is hoped and expected, that this want of confidence in the juſtice and tenderneſs of the mother-country, and this open reſiſtance to its authority, can only have found place among the lower and more ignorant of the people. The better and wiſer part of the colonies will know, that decency and ſubmiſſion may prevail, not only to redreſs grievances, but to obtain grace and favour, while the outrage of a public violence can expect nothing but ſeverity and chaſtiſement. Theſe ſentiments you, and all his Majeſty's ſervants, from a ſenſe of your duty to, and love of, your country, will endeavour to excite and encourage.

You will all, in a particular manner, call upon them not to render their caſe deſperate. You will, in the ſtrongeſt colours, repreſent to them the dreadful conſequences that muſt inevitably attend the forcible and violent reſiſtance to acts of the Britiſh parliament, and the ſcene of miſery and calamity to themſelves, and of mutual weakneſs and diſtraction to both countries, inſeparable from ſuch a conduct.

If, by lenient and perſuaſive methods, you can contribute to reſtore that peace and tranquility to the provinces, on which their welfare and happineſs depend, you will do a moſt acceptable and eſſential ſervice to your country: but having taken every ſtep which the utmoſt prudence and lenity can dictate, in compaſſion to the folly and ignorance of ſome miſguided people, you will not, on the other hand, fail to uſe your utmoſt power, for repelling all acts of outrage and violence, and to provide for the maintenance of peace and good order in the province, by ſuch a timely exertion of force as the occaſion may require; for which purpoſe, you will make the proper applications to General Gage, or lord Colville, commanders of his Majeſty's land and naval forces in America. For however unwillingly his Majeſty may conſent to the exertion of ſuch powers as may endanger the ſafety of a ſingle ſubject; yet can he not permit his own dignity, and the authority of the Britiſh legiſlature, to be trampled

trampled on by force and violence, and in avowed contempt of all order, duty and decorum.

If the ſubject is aggrieved, he knows in what manner legally and conſtitutionally to apply for relief; but it is not ſuitable, either to the ſafety or dignity of the Britiſh empire, that any individuals, under the pretence of redreſſing grievances, ſhould preſume to violate the public peace.

I am, &c. H. S. CONWAY.

P. S. *To Governor Wilmot.*

You will probably receive application from governor Bernard, to ſend him part of the force which may be within your government. Lord Colvil has command to tranſport them; and you will be very attentive, that the public ſervice ſhould ſuffer no impediment from any delay in you, when ſuch application is made.

*Extract of a letter from Mr. Secretary Conway, to Major-General Gage.*

SIR, *December* 15, 1765.

I Had the favour of your letters on the 4th, 8th, and 9th of November laſt, by which I learn, with the utmoſt concern, the diſordered ſtate of the province where you reſide, and the very riotous and outrageous behaviour of too many of the inhabitants.

I did not fail to lay your diſpatches, together with thoſe of lieutenant-governor Colden, before his Majeſty, who, though highly provoked by ſuch an inſult offered to his governor there, is however pleaſed to hear, that matters were not puſhed to ſuch extremity, as might have coſt the lives of many of his ſubjects, and perhaps have tended, as you ſeem apprehenſive, to the great detriment, if not ruin, of the town of New-York; particularly if the fort had fired on that inſolent and infatuated mob which ſo provokingly approached. The temper ſhewn, as well by lieutenant-governor Colden, as by the officers there, is highly to be commended. His Majeſty is willing to ſuppoſe, that both yourſelf and governor Colden have acted on principles of duty to his ſervice, in the advice and reſolution formed to put the ſtampt paper into the hands of the magiſtrates of New-York; which, however, unleſs the neceſſity for it appeared very preſſing, muſt certainly be looked upon as a ſtep greatly humiliating and derogating to his Majeſty's government.

If

If the poſt was not tenable, or the papers inſecure there, it ſhould ſeem much preferable to have put them on board the man of war, as was propoſed: nor does there appear any good reaſon, why captain Kennedy refuſed to take them. It is difficult, at this diſtance, to judge with the ſame propriety of conduct, to be held on occaſions of ſuch difficulty and importance, as on the ſpot. Had the perſonal ſafety of thoſe in the fort alone been conſidered, I am perſuaded, there would not have been a moment's heſitation about the defence of it, againſt any attack that might raſhly have been attempted: nor can his Majeſty ſuppoſe any want of reſolution for his ſervice, in thoſe who have, in their different ſtations, given ſo many proofs of their regard to it. It ſhould otherwiſe ſeem, that the reality of the mobs being armed, and prepared for an actual attack, ſhould have been well aſcertained before the papers were given up.

The ſtep you have thought fit to take, in drawing together ſuch forces as their ſituation allowed, was certainly prudent, and could not be too ſoon determined, on any poſitive grounds, to ſuſpect an inſurrection; and eſpecially in regard to the ſecuring his Majeſty's ſtores, a circumſtance which will ſtill demand your greateſt attention; and particularly thoſe arms, which may be ſeized by the mob for their own mutinous purpoſes.

You ſituation is certainly delicate and difficult, it requires both prudence and firmneſs in the conduct of all employed in his Majeſty's ſervice there; eſpecially, conſidering what you ſay of the difficulty, or rather impoſſibility, of drawing any conſiderable number of men together, and of the impracticability of attempting any thing by force, in the preſent diſpoſition of the people, without a reſpectable body of troops.

You ſeem to think there are ſtill hopes, that as the ſpirits of thoſe unhappy people have time to cool, there will be more ſubmiſſion ſhewn; you will not fail, I am perſuaded, in your ſtation, to avail yourſelf of every favourable ſymptom for the improvement of ſuch favourable diſpoſitions, any more than to exert yourſelf, where the neceſſity of the caſe may require, in ſupport of the honour of government, and for ſuppreſſing any riotous or rebellious reſiſtance offered to the laws, or thoſe magiſtrates who have the execution of them.

I hope my former letters are come ſafe, *as they will have conveyed to you his Majeſty's ſentiments and commands for your conduct, on the firſt notice of theſe diſturbances.*

*Copy of a letter from Mr. Secretary Conway, to Lieutenant-Governor Colden.*

SIR, *December* 15, 1765.

I Have received your letter of the 5th of November by major James, and that of the 9th of the ſame month by the pacquet, with the minutes of the council of New-York, from the 31ſt of October to the 6th of November, &c.— From your laſt letter, I have hopes that time will produce a recollection, which may lead theſe unhappy people back to a ſenſe of their duty; and that, in the mean time, every proper and practicable meaſure will be taken to awe that licentious ſpirit, which has hurried them to thoſe acts of outrage and violence, equally dangerous to the ſober and well-diſpoſed part of the people, the eaſe and quiet of the city, and ſubverſive of all order and authority among them.

Sir Henry Moore will certainly be arrived before this reaches you: it is expected, therefore, Sir, from your knowledge of the country and people, that you ſhould inform the new governor of every thing neceſſary for his knowledge, as well reſpecting the ſtate of things, as the characters and diſpoſitions of men in that country. He will ſee that, by his inſtructions, he is empowered to ſuſpend members of the council, and officers of the law, who ſhall appear to deſerve it; being, in that caſe, only obliged to ſend home immediately the reaſons and cauſes of ſuch ſuſpenſion. It is not improbable, that ſuch times as theſe may require the exerciſe of that power: as it is not doubted the governor will uſe it with diſcretion, ſo it is expected he ſhould not want firmneſs to uſe it boldly, whenever it may ſeem uſeful to the King's ſervice and the public peace.

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*October* 1, 1765.

*Copy of a Repreſentation of the Lords Commiſſioners for Trade and Plantations, touching the Proceedings and Reſolutions of the Houſe of Repreſentatives of Maſſachuſett's-Bay, with reſpect to the Act for levying a Duty upon Stamps in America, and to other Acts of the Parliament of Great-Britain.*

*To the King's Moſt Excellent Majeſty.*

*May it pleaſe your Majeſty.*

The houſe of repreſentatives of your Majeſty's province of Maſſachuſett's-Bay having, laſt year, printed and publiſhed,

liſhed, in the journals of their proceedings, a letter from a committee of that houſe to their agent here; in which letter the acts and reſolutions of the parliament of Great-Britain were treated with the moſt indecent diſreſpect, and principles tending to a denial of the right of parliament to levy taxes upon your Majeſty's ſubjects in the colonies, were openly avowed; our predeceſſors in office thought it their duty to tranſmit this tranſaction to your Majeſty's conſideration, to the end that ſuch directions might be given, as the nature and importance of the matter ſhould appear to require.

Since this, and ſince the paſſing the act of parliament for levying a ſtamp duty in America, the grounds of which act gave riſe to the reflexions contained in the above-mentioned letter, the ſame ſpirit that dictated the ſentiments it expreſſes, has appeared throughout the whole proceedings of the ſaid houſe of repreſentatives.

Upon the election of counſellors, who, by the conſtitution of this colony, are annually choſen by the houſe of repreſentatives, the ſtrongeſt endeavours were uſed to preclude your Majeſty's ſecretary of ſtate, who has always been a member of the council from his ſeat at that board; and this, as your Majeſty's governor repreſents, merely on account of his having received an appointment (unſolicited) to be a diſtributor of the ſtamps: and the motion made in that houſe, to diſcontinue the annual ſalary allowed for the ſupport of your Majeſty's governor, upon which proceeding we have this day made a ſeparate repreſentation to your Majeſty, ſeems to have ariſen from the ſame motives.

Theſe, however, being only attempts of individuals in the community, would not either have required or deſerved your Majeſty's attention, in the light in which we view them; but it further appears, from the journals of the houſe of repreſentatives in their laſt ſeſſion, that "this aſſembly, having thought fit to make the propriety and expediency of the ſtamp-act, and of other acts of parliament, a ſubject of open queſtion and diſcuſſion," came to ſeveral reſolutions and proceedings thereupon, which they kept ſecret till the laſt day of their ſeſſion, when they publiſhed them in their printed journals—*Then follow the reſolutions*—Then the board of trade proceeds thus: The object of the reſolutions and proceedings of the houſe of repreſentatives of Maſſachuſett's-Bay, is to recommend to, and induce, the reſt of your Majeſty's colonies in America, to join in a general

congreſs of committees from the ſeveral aſſemblies, independent of the other branches of the legiſlature, and without any previous application to your Majeſty, to conſider and deliberate upon the acts of the parliament of this kingdom. As this appears to us to be the firſt inſtance of a general congreſs, appointed by the aſſemblies of the colonieswithout the authority of the crown; a meaſure which we conceive of dangerous tendency in itſelf, and more eſpecially ſo, when taken for the purpoſes expreſſed in the above-mentioned reſolution, and connected with the ſpirit that has appeared throughout the whole conduct of this particular aſſembly; we therefore think it our indiſpenſable duty to ſubmit this matter to your Majeſty's conſideration, for ſuch directions as your Majeſty, with the advice of your council, may think proper and expedient to give thereupon.

All which is moſt humbly ſubmitted, &c.

*Whitehall, Oct.* 12, 1765.

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*Copy of a Repreſentation from the Board of Trade, with ſeveral Papers tranſmitted, relative to the outrageous Behaviour of the People at the Town of Boſton, in Oppoſition to the Stamp-Duty Act. Dated October* 10, 1765.

*To the King's Moſt Excellent Majeſty.*

*May it pleaſe your Majeſty,*

Since our humble repreſentation to your Majeſty of the 1ſt inſtant, in conſequence of ſome alarming proceedings in the houſe of repreſentatives, in the province of Maſſachuſett's-Bay, we have received letters from ———, giving an account of a riot of a moſt dangerous tendency, which had ariſen in the town of Boſton, and which directing its fury againſt the houſes and perſons of the lieutenant-governor, and other principal officers of government, continued with repeated acts of extraordinary violence, from the 15th of Auguſt to the 26th of the ſame month; at which period the tumult ſeemed ſuſpended, rather than allayed.

In whatever light theſe diſturbances may be viewed, whether in reſpect of the avowed object, which the perpetrators and abettors of them declare to be a general reſolution, to oppoſe and prevent the execution of an act of the parliament of Great-Britain, or in reſpect of the ſtate of government and magiſtracy there, which ——— repreſents to be utterly incapable of reſiſting or ſuppreſſing theſe tumults

tumults and diſorders, they ſeem to us of ſuch high importance, that we loſe no time in laying the letters and papers relating thereunto before your Majeſty, that your Majeſty may direct ſuch meaſures to be purſued, as your Majeſty, with the advice of your council, ſhall think moſt prudent and effectual.

Which is moſt humbly ſubmitted, &c.

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*Gentlemen*, *Philadelphia, Oct.* 12, 1765.

Having been confined to my bed twenty-five days paſt, with a violent diſorder that was expected would have proved mortal, but thank God am now able to ſit up in bed, I ſhall attempt to give you a ſketch of not only my own conduct, but alſo that of the preſbyterians and proprietary party here, relative to the ſtamp-office.

In May laſt I received information by a letter from Doctor Franklin, that he had recommended me for chief diſtributor of the ſtamps in this province, and thus the matter reſted, until ſome gentlemen to the eaſtward received their commiſſions, whereupon mobs aroſe in ſeveral of the eaſtern provinces, and the officers were obliged to reſign; but as a prelude to the deſtruction and diſorder made by the mobs, the printers in each colony, almoſt without exception, ſtuffed their papers weekly, for ſome time before, with the moſt inflammatory pieces they could procure, and excluded every thing that tended to cool the minds of the people; theſe meaſures they purſued, until the preſbyterians in particular, in every colony, began to threaten the ſtamp-officers; and thoſe gentry in this province, about the beginning of September, began to be very noiſy, and ſome of them ſaid, I ought to reſign; I gave them for anſwer, I had as yet no commiſſion, therefore could not reſign what I had not. However, about the middle of September, it was reported that the ſtamps would arrive in captain Friend, who was then expected, and and theſe riotous gentry began to threaten they would deſtroy the ſtamps as ſoon as they arrived; I therefore being deſirous, or as far as in me lay, to preſerve the ſtamps, wrote on the 17th the letter (No. I.) to his honour the governor, but received no anſwer, and as the ſtamps did not arrive in captain Friend, matters reſted until October the 2d, when I received the paper, (No. II.) being a note from Captain William Dovel, a tool of the party, and therefore I wrote my anſwer (No. III.) to Mr. Dickenſon, the owner

of the ſhip, and on the next day I wrote my letter (No. IV.) to his honour the governor, but received no anſwer, and here matters reſted until Saturday the 5th of October, when I received information, that the ſhip with the ſtamps was come up to the town that day, and that a mob would be collected, by beating muffled drums through the ſtreet, and ringing the ſtate-houſe and church-bells muffled, which was accordingly done all the afternoon, but at two o'clock the poſt arrived with the mail and packet, and, among other things, my commiſſion; this the party ventured to alledge, becauſe there was a large packet for me; accordingly the mob collected, chiefly preſbyterians and proprietary emiſſaries, with the Chief Juſtice's (Mr. William Allen) ſon at their head, animating and encouraging the lower claſs.

About three o'clock, the following perſons; viz. James Tilghman, Eſq; attorney at law, Meſſieurs Robert Morris, Charles Thompſon, Archibald M'Call, John Cox, William Richards, merchants, and Mr. William Bradford, printer, came to me on a deputation from a great number collected at the State-houſe, to requeſt my reſignation. I anſwered, it is true, I now have my commiſſion, but as two gentlemen are bound for my performance, in the ſum of £.5000, I could not reſign, unleſs you indemnify my bail. Altercations on this head took up near an hour (low as I was), and at laſt they ſaid, all that was expected of me, was, that I would not put the act in execution in this province, until his Majeſty's further pleaſure was known, or until the act ſhould be put in execution in the neighbouring colonies; to this I thought proper to ſignify ſome diſpoſition to comply, becauſe I had many informations by my friends, that the mob intended to proceed to the laſt extremities, if I did not reſign; upon this the deputation withdrew to conſult their aſſociates, and at ſix o'clock I received the paper, (No. V.) being a peremptory demand; then the matter reſted until Sunday morning, when having recovered my ſpirits a little from the fatigue of that long altercation aforeſaid, I looked over the paper, and found it more poſitive than what had been mentioned the day before, and therefore ſent for Mr. Charles Thompſon, one of the deputation, and aſked him if they were ſincere the day before, or whether they came to wire-draw what they would firſt, and then force the reſt, becauſe I obſerved the paper ſent me did not agree with the propoſition made to me; he ſaid he was ſincere, and could only

anſwer

anſwer for himſelf: I replied, well, gentlemen, you muſt look to yourſelves, for this is a high affair; he made anſwer, thus I do not know, but hope it will not be deemed a rebellion. Indeed, Sir, I know no other name for it—Well, ſays he, I know not how it may end, for we have not yet determined, whether we will ever ſuffer the act to take place here or not, and took his leave. On Monday morning, at ten o'clock, the whole deputation came, and I offered them the paper (No. VI.), and after ſome conſultation among themſelves, they objected to their names being inſerted. I ſaid, why, ſure gentlemen, you have not done a thing you are aſhamed to own; not in the leaſt they ſaid, but there was no neceſſity for their names being inſerted, nor would they receive that reſignation; whereupon I ſaid to Mr. Tilghman, come, Sir, take the pen and pleaſe yourſelf, for I ſee you are determined to be arbitrary; he then took the pen, and formed the paper, (No. VII.) and when it was tranſcribing, I aſked them what they intended to do with the ſtamps, as they aſſumed the ſupreme power in the province; they then looked at one another for a while, and ſeemed ſomewhat confuſed; but, at laſt, Mr. Tilghman replied, we did not come prepared to ſpeak to that head; then another replied, let Mr. Hughes take care of them. I anſwered, gentlemen, that cannot be, as you have now fixed matters; for were I to take the ſtamps into my care, I ſhould have your party come about my houſe, and pull it down, and deſtroy both me and them. Well, ſays another, let the governor take care of them; another then ſays, perhaps the governor will call upon Mr. Hughes to put the act in execution, and when he declines, the governor perhaps will appoint an officer, and the act may take place. Here a general pauſe enſued, but at laſt one and all cried out, let us ſee who will dare put the act in execution upon the governor's appointment; we will take care of that; by this time the paper (No. VII.) was tranſcribed, and after I had ſigned it, they went away to proclaim it to their friends, and the next day I wrote the letter (No. VIII.) to the governor, and received the under-written verbal anſwer by my ſon.

"My health, at this time, will not permit me to be more expeditious on this very extraordinary tranſaction; what I have ſaid, is ſufficient to inform you, gentlemen, and the lords commiſſioners, that unleſs my hands are ſtrengthened, it will never be in my power to put the act in execution.

"Perhaps their lordſhips, and you, gentlemen, may expect that the governor will exert himſelf on the occaſion, and ſtrengthen my hands; but this will not happen, for on the day that the mob were collecting, and after the drums began to beat, I am informed his honour left the city, and preſently after the attorney-general, who is recorder of the city, left it alſo; whether the mayor and chief juſtice were out of the city, I cannot ſay, but this is certain, that no one magiſtrate or public officer appeared abroad the whole day, to diſcourage the mob, or to give the leaſt aid or protection. All, therefore, that I ſhall add on this head, is, that if ever my hands are ſtrengthened, ſo as it will be in my power to do my duty, as chief diſtributor of the ſtamps, I ſhall not fail to comply with the duties of my office in the ſtricteſt manner, and then I hope will ſufficiently ſave my ſecurities in their lordſhips and your opinion, as it is now out of my power to diſcharge my duty until the face of affairs are changed.

"In paper (No. 7.) you will obſerve the three counties upon Delaware included in my reſignation, the reaſon of which was, that on Saturday the 6th of October, a friend of mine privately ſent up a little boy to inform me, that he had reaſon to believe a mob was uniting in thoſe counties, and would ſoon be up at Philadelphia. This I knew would raiſe a ſecond mob, and therefore I did not prevent it, and it has had the deſired effect.

"I am now to acknowledge the receipt of a letter from the ſecretary of the ſtamp-office, and alſo a bill of lading for three caſes and ſeven packs of ſtamps for this province, excluſive of thoſe for New Jerſey and Maryland, but there is neither invoice nor bills of parcels, nor any account of the prices the ſtampt paper or parchment is to be ſold at. I have ſeen a printed paper, ſaid to be the prices of the ſtamps, &c. but as the bill of lading makes me liable to the freight, I ſhould be glad to know whether the freight is included in theſe printed papers, or not; if I had received the ſtamps, I ſhould have been at a loſs on the 1ſt of November how to proceed, but as things now ſtand, there is time for my being fully informed, and eſpecially with reſpect to the invoice of bills of parcels, without which it is impoſſible for me to know what I am charged with at the ſtamp-office, and how far the goods received agree with the charge.

"I am further to inform you, that I received in the packet ſent by your ſecretary, a bond, which in his letter he directed,

ed, I ſhould execute before the governor, or ſome other perſon of note, and ſend it back to the ſtamp-office by the firſt conveyance, which I ſhould have punctually complied with, had I been in health, and had not our over-ruling gentry, the mob, thought fit to direct otherwiſe; however, I have the bond in my cuſtody, and whenever there is a proſpect of carrying the act into execution, ſhall not fail to execute the bond, and tranſmit it to the ſtamp-office by the firſt opportunity, and alſo do every thing in my power faithfully to diſcharge my duty.

"I am further to inform you, gentlemen, that I am extremely obnoxious to the governor, and men in power, and that for no other reaſon, than that I have conſtantly, while I have been in the aſſembly, endeavoured to promote the king's intereſt, and given oppoſition to ſome favourite ſchemes that tended to retard his Majeſty's ſervice.

"I am alſo unfortunate enough to be particularly hateful to the chief juſtice, becauſe I have charged him in the houſe of aſſembly with being a rebel, upon his ſaying, "That if ever the government was changed, we ſhould find the king's little finger heavier than the proprietor's loins." This declaration he made in the houſe of aſſembly more than once, and I as often alledged, that his allegation tended to alienate the affection of the ſubject from the king, and therefore was treaſon, and that none but a rebel would be guilty of it. I alſo am particularly hateful to the proprietary party, becauſe it was my intereſt, aſſiduity, and influence in the houſe of aſſembly, that enabled the province to ſend home Dr. Franklin, to preſent our petitions for a change of government, from proprietory to royal, which I hope is effected by this time.

"Since writing the above, I am informed that Benjamin Shoemaker, Eſq; who is one of the people called quakers, alſo an alderman of this city, met with the drummers as they were alarming the city, and took them to taſk, requiring to know by what authority they were endeavouring to raiſe a mob, they anſwered, if he would go to the State-houſe, he might know; he then aſked who ordered them to beat about the ſtreets, they ſaid, they had their orders from the coffee-houſe. [N. B. Kept by the before-mentioned Mr. Bradford.] Mr. Shoemaker then forbid them to proceed any further, and he ſaid he would go immediately to the mayor and have them committed; they anſwered they could get the mayor's orders when they pleaſed. But Mr. Shoemaker

maker could not find the mayor, nor any officer to aſſiſt him, and therefore was obliged to deſiſt, leſt he ſhould draw the mob upon himſelf and family, and ſo have his houſe pulled down.

" If ſome rule and order does not take place in America, I am very ſure every perſon who has been named to the ſtamp-office, muſt leave North America ſhortly, or they and their families will fall a ſacrafice to the deluded populace.

" Common juſtice calls upon me to ſay, the body of people called quakers, ſeemed diſpoſed to pay obedience to the ſtamp-act, and ſo do that part of the Church of England, and baptiſts, that are not ſome way under proprietary influence. But preſbyterians, and proprietary minions, ſpare no pains to engage the Dutch and lower claſs of people, and render the royal government odious, but at the ſame time profeſs great loyalty to the beſt of kings, and yet inſinuate that his immediate government is intolerable. If his Majeſty and his miniſters knew the pains taken by the proprietary partiſans to give a wrong bias to the minds of his Majeſty's ſubjects, I am confident they would not ſuffer the powers of government to remain ſix months in the hands of any proprietor on the continent; neither ought the powers of government to be lodged in any private perſon, it being diſadvantageous to both his Majeſty's ſubjects.

" I ſhall conclude with the following obſervation; viz. That if Great Britain can, or will ſuffer ſuch kind of conduct in her colonies to paſs unpuniſhed, a man need not be a prophet, nor the ſon of a prophet, to ſee clearly, that her empire in North America is at an end; for I dare ſay the mobbing gentry will immediately proceed to other extravagancies, as they will then begin to think their united power irreſiſtable.

" That God, of his infinite goodneſs, may direct the councils and meaſures of his Majeſty, of his miniſters, to that which may be beſt for Great Britain and North America, is, and ſhall be the conſtant prayer of, Gentlemen, your moſt obedient and moſt humble ſervant,

*To the Commiſſioners of the ſtamp-office.* JOHN HUGHES.

*Philadelphia, September* 17, 1765.

No. I.

As great riots and diſturbances have happened in ſome of the neighbouring colonies, occaſioned by a diſlike the people have

have to the ſtamp-act, and it being reported that the ſtampt papers, &c. for the province, may be expected in a little time, and, as his Majeſty's revenue is deeply intereſted in the preſervation thereof, think it my duty to acquaint you, that notwithſtanding of any reports ſpread of my being named by the officers for this province, that I have not received either bond, commiſſion, nor any other information whatſoever, of my appointment from the ſtamp-office, or lords of the treaſury, and therefore I can have no pretenſion whatever, to take charge of the paper ſhould they arrive. This information I have thought neceſſary to give you, that you may take ſuch meaſures in the premiſes, as you ſhall think conſiſtent with your duty and judgment. I am, Sir, your moſt obedient humble ſervant,

*To the Hon. John Penn, Eſq.* JOHN HUGHES.
*Lieutenant Governor of Pennſylvania.*

No. II.

SIR,

Mr. Dickenſon is in town from London, and the ſhip Charlotte is at Newcaſtle, and do not chuſe to bring her up till you give orders about the ſtamp-papers, as ſhe is a valuable ſhip.

*I pray ſend an anſwer by bearer.* WILLIAM DOWELL.
*Philadelphia, 5 o'clock, 2d of Oct. 1765.*

No. III.

Mr. Dickenſon,

I received your kind notice by Mr. Bradford, and for anſwer, am to inform you, that I have not received from the lords of the treaſury, nor from any other perſon appointed by his Majeſty, any commiſſion or public information of my being the officer of the province of Pennſylvania, and therefore cannot pretend to any right to take charge of thoſe papers, nor ſhould I, were they now at the wharf; the governor is the officer of the crown, whoſe duty it is to preſerve and ſecure thoſe papers; to him I refer you for directions how to proceed in the premiſes, and I make no doubt but his honour the governor will take care to ſee that the papers are landed in a place of ſecurity, and there kept ſafe untill ſome perſon properly commiſſioned ſhall appear to demand them. Signed by order of my father.

*To Mr. Dickenſon. Copy of a Letter ſent by Mr. Bradford's ſon.* JOHN HUGHES, jun.

No. IV.

No. IV.

SIR,

I incloſe you a letter I received laſt evening from Mr. William Dowel, by which I underſtand that the ſtamped papers are arrived at New caſtle in the Charlotte, that the owner of the veſſel does not care to order his ſhip into the port while theſe papers are on board, leſt ſome violence ſhould be done to her; and as I have not the leaſt power from the lords of his Majeſty's treaſury, or any other public board, authorizing me to receive them, and as his Majeſty's revenue is in part concerned in their preſervation, I thought it my duty to give you the information, that you might take ſuch meaſures therein as your prudence ſhould ſuggeſt. I am, Sir, yours,

*To John Penn, Eſq.'* JOHN HUGHES.

No. V.

A great number of the citizens of Philadelphia aſſembled at the ſtate-houſe to demand of Mr. John Hughes, diſtributor of ſtamps for Pennſylvania, that he will give them aſſurance under his hand that he will not execute that office, and expect that he will give them a fair, candid, and direct anſwer by Monday next ten o'clock, when he will be waited on for that purpoſe.

*Saturday, Oct.* 5, 1765.

No. VI.

*Philadelphia, Monday Morning, October* 7, 1765.

Whereas I was applied to on Saturday laſt, about three o'clock in the afternoon, by the following gentlemen, viz. James Tilghman, Eſq. attorney at law, Meſſrs. Robert Morris, Charles Thompſon, Archibald M'Call, John Cox, and William Richards, merchants; Mr. William Bradford, Printer, who aſſured me they were ſent by a great number of people then aſſembled at the ſtate-houſe, in order to requeſt me to reſign the ſtamp-office; and after ſome converſation on the ſubject, Mr. Robert Morris, and ſome others, declared, that it was not expected or deſired that my reſignation ſhould be any other than the not accepting the office, and declaring every ſtep or meaſure that ſhould tend to put the ſtamp-act into execution, until his Majeſty's further pleaſure ſhould be known, or until the act ſhould be generally carried into execution in the neighbouring colonies; and if that ſhould happen, I was then at liberty to do as I thought proper: and whereas about ſix o'clock the ſame evening,

evening, a paper was ſent me by ſome of theſe ſame gentlemen, in behalf, as I underſtand, of all thoſe collected at the ſtate-houſe as aforeſaid, declaring, that a great number of the citizenss of Philadelphia aſſembled at the ſtate-houſe, do demand of Mr. John Huges, diſtributor of ſtamps for Pennſylvania, that he will give them aſſurance under his hand that he will not execute that office and expect that he will give them a fair, candid, and direct anſwer by Monday next at ten o'clock, where he will be waited on for that purpoſe.

*Saturday, Oct.* 5, 1765.

I do therefore return for anſwer to thoſe gentlemen and all their aſſociates, that I have not hitherto taken any ſtep tending to put the late act of parliament in execution in this province, and that I will not either by myſelf or my deputies, do any act or thing that ſhall have the leaſt tendency to put the ſaid act into execution in this province, until his Majeſty's future pleaſure ſhall be known, or until the ſaid act ſhall be put in execution in the neighbouring colonies, and this I am determined to abide by, unleſs either by the governor or commander in chief of this province for the time being ſhall call upon me to execute the ſaid act.

And whereas my commiſſion includes the three counties of Newcaſtle, Kent, and Suſſex, upon Delaware, I do therefore hereby voluntarily inform the good people of theſe counties, that no act of mine ſhall either directly or indirectly involve them into any difficulties with reſpect to the ſaid ſtamp-act, before the ſame ſhall take place in the neighbouring colonies, or until his Majeſty's future pleaſure ſhall be known, or until the governor and commander in chief for the time being of thoſe counties ſhall call upon me as aforeſaid, to execute the ſaid act.

(Copy) JOHN HUGHES.

No. VII.

*Philadelphia, Monday Morning, October* 7, 1765.

Whereas about ſix o'clock on Saturday evening laſt a paper was ſent to me, expreſſing, that a great number of citizens of Philahelphia, &c. (this paper of reſignation has been publiſhed verbatim.)

No. VIII.

*Philadelphia, Tueſday Morning, October* 8, 1765.

SIR,

I make no doubt but you have heard that a great number of people were collected at the ſtate-houſe on Saturday laſt, by

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*Philadelphia, Tueſday Morning, October* 8, 1765.

SIR,

I make no doubt but you have heard that a great number of people were collected at the ſtate-houſe on Saturday laſt, by

by cauſing muffled drums to beat through the ſtreets of this city, and by ringing the ſtate-houſe bell muffled, and by directing all enquirers to repair to the ſtate-houſe for information; and that after the people were collected, a deputation was ſent to me demanding my reſignation of the office of chief diſtributor of ſtamps for this province. I am well informed, that great numbers of the ringleaders and promoters of this meeting declared and vowed deſtruction to my perſon and property if I refuſed to gratify them in their demands.

My reſignation is accordingly made, and I beg you will be ſo kind as to inform me where the ſtamps are depoſited, that I may by this day's poſt inform the lords of the treaſury what ſituation they are in. This you muſt know it is my duty to do, as the ſtamps were conſigned to me by their lordſhips, and I have the bill of lading. But as I am confined to my bed, and alſo reſtrained by the people from executing my office, it is not in my power to know what is to be done in the premiſes, I therefore pray your anſwer by the bearer, my ſon, which will oblige, Sir, your humble ſervant,

JOHN HUGHES.

*To the Hon. John Penn, Eſq.*

*The Governor returned the following verbal Anſwer, viz.*

Let Mr. Hughes know the ſtamps are on board the man of war.

*Philadelphia*, Nov. 2, 1765.

Gentlemen,

Since my laſt, a copy whereof is herewith ſent, nothing very extraordinary has been attempted by the mob, as the great men here would fain have it termed and believed on your ſide the water, and I make no doubt but it will be ſo repreſented by the proprietary governor, and his friends; but the truth is, that if the governor, or any half dozen of the magiſtrates, had called the ſheriff and conſtable to their aſſiſtance, it would have been very eaſy for them, with the aſſiſtance of my friends then collected about my houſe, to the amount of not leſs than ſeven or eight hundred men of reputation, who would have aſſiſted the civil officers at the riſque of their lives, as I did to ſuppreſs the Paxton riot, that intended to deſtroy the Indians at the barracks.

I am now informed the governor has taken the oath preſcribed by the ſtamp-act, but his friends keep it a ſecret, and ſay, 'who knows that he has,' but it will ſoon appear here, for

for that will alter his conduct; the commiſſioners and government may depend that I will communicate things as they happen, though it is at the riſque of my life; for the party, by their tools, frequently give out, that if they knew the man that would ſo far aſſiſt Britain as to inform againſt any man, in this or any other province, he ſhould not live many hours; and I do aſſure the government and commiſſioners, that all poſitive charges made by me, can be proved by reputable witneſſes. But whether his Majeſty or his miniſtry can, or will wink at and overlook theſe inſults and outrages, and permit their coloniſts to refuſe obedience to an act of parliament, and alſo declare it illegal and unconſtitutional, and alſo permit the printers here to publiſh weekly the moſt violent and inflammatory pieces that ever were wrote, and I am of opinion, that if theſe continental papers for the two or three months paſt were examined, many of them would be found rather to exceed the North Briton (No. XLV.) in alienating the affections of the people from his Majeſty, and animating them to rebellion, and yet at the ſame time call themſelves Engliſhmen, and profeſs the higheſt degree of loyalty to his Majeſty. I ſome times tell ſome of our warm blades, that it is a piece of inconſiſtency to call themſelves Engliſhmen, becauſe gentlemen, ſay I, if you are Engliſhmen, you muſt be bound by act of parliament, until that parliament releaſes you from that obedience, which has not yet been done as I know of. To this they reply, our charters have done it abſolutely. No, gentlemen, your charters are but the declarations of the kings that granted them, and they cannot be ſaid to mean no more, than that the king of Great Britain would not arbitrarily, and without law, raiſe money on the ſubject in America, and this all our forefathers ſeemed to have aſked—when they left Britain, and indeed it is all the kings of Great Britain can legally promiſe, for the king cannot bar the rights of the lords and commons, any more than they can his prerogatives. The anſwer then is, you are an enemy to America, and ought to have your brains beat out, &c. And indeed there is nothing has ſaved me but the great number of friends and relations that I have in this country, and, had it not been for their numbers, I muſt have reſigned my office abſolutely, or elſe not only me but my family and fortune would have fallen a ſacrifice. I believe I am the only ſtamp diſtributor that has not either reſigned abſolutely, or fled the province

between

between Virginia and Halifax, and if the Virginia officer had been there, I think he muſt have reſigned alſo, for there the fire began. It is my private opinion, that if the province of Pennſylvania was changed from proprietary to a royal government, and ſome perſon appointed to govern it, that had both intereſt among the people, and a perfect knowledge of them, ſo as to be able to diſplace the diſloyal, and put in power and commiſſion ſuch only as could be depended on, and have demonſtrated their loyalty to their king; ſuch a perſon, after the changes aforeſaid, might eaſily govern this province, and preſerve the peace of it, and keep it in ſubjection to his Majeſty, which I think we hardly are at this time. One reaſon aſſigned for not paying obedience to this act of parliament, is, that we have no repreſentatives in parliament; I then ſay, let us petition for repreſentatives. O, no, we will not agree to that, becauſe we have repreſentatives of our own, and have always given money when we have been called on by the king or his miniſters, and if that will not do, let us have a houſe of Commons in America, to ſettle what ſhall be the quota of each colony when money is wanted—No, gentlemen, you have forecloſed yourſelves of that, for you have demonſtrated your propenſity to rebellion, to that degree, that in my opinion the miniſtry never can adviſe his Majeſty to unite you more than you now are; but if they knew our circumſtances rightly, they would divide us yet more, by forming new colonies out of Virginia, and perhaps ſome others that are already but too large; but theſe things are at a diſtance, for Great Britain muſt firſt determine whether ſhe is to govern or not, and whether ſhe will permit us to put ourſelves under the protection of France or Spain, as many upon the continent declare they will ward off the ſtamp-act, until they can get France or Spain to protect them; and ſome few have gone ſo far in this province. I muſt now contradict your allegation of our giving money when called upon. Pray has Maryland given one ſhilling all the laſt war, and did not moſt of the colonies, except Pennſylvania, refuſe both men and money for Colonel Bouquet's laſt expedition againſt the Indians to the weſtward; and when Col. Bouquet, by his friends, got ſome volunteers raiſed for the purpoſe in Virginia, was he not obliged to apply to the commiſſioners of this province to pay them, or elſe he muſt have paid them out of his private fortune; although

although the war was on the Virginia frontier, and their people frequently murdered at that time.

November the 3d, being Saturday evening, I was called upon by the collector, to let me know that he and the other cuſtom-houſe officers would call upon me next day, but they afterwards changed their plan; and on

Tueſday the 5th, I received the paper (No. I.) and that afternoon returned for anſwer the paper (No. II.) and I now underſtand that the party are much diſſatisfied with my anſwer, and I ſay I had no need to ſay more than three words; viz. I have none—This they could have proteſted upon and ſent home to the cuſtom-houſe, but I believe they have no great inclination to ſend home this letter; however, I think it my duty to ſend it you with a copy of theirs; alſo I wiſh I knew whether the act would be enforced or not, for if it is to be repealed, I might reſign voluntarily in time, and thereby eſcape the violence of the party, for if the act is not enforced, nor I do not reſign in time, I ſhall not be able to go into ſome of the neighbouring colonies, and look after my intereſt during my life-time, for they threaten me already in Maryland and Virginia, that if they ever catch me there they will make a ſacrifice of me; but if they ſhould be made ſubject to Great Britain, I ſhall then be in no danger, for the iſſue of this act will abſolutely determine Britain's ſovereignty in America. For, if by theſe rebellious actions we can get this act repealed, I have no doubt but ſome of my children may live to ſee a duty laid by Americans on ſome things imported from Britain, for I do not know an inſtance of a mob's ſitting down contented with one thing, unleſs they have a force able to quell them.

I preſume when the remonſtances from the grand committee (who meet at New-York) come here, it will be eaſy to judge what we would be at; for even in this province ſome few ſay, if we ſtick by one another, it is not in the power of Britain to enforce it, and ſay that Ireland did the ſame formerly, and by that means have eſcaped the burthen, as they call it. I am unable at this time to give a more full account of the proceedings in America, being not recovered from my late illneſs. I am, gentlemen, with reſpect, your moſt obedient, humble ſervant,

*Nov.* 7, 1765. JOHN HUGHES.

*To the commiſſioners of the ſtamp-office.*

No. I.

Mr. John Hughes,

Sir, We have heard from public report, that you are the officer appointed to diſtribute ſtamp-papers and parchment in the province, purſuant to an act of parliament lately publiſhed in England, and we now apply to you, to know whether you can ſupply us with ſtamp papers proper for cockets and clearances, on which the duty of four-pence ſterling is impoſed (if the copy we have ſeen of the act be genuine). We apprehend it is our duty to apply to you for them, as we cannot proceed regularly in the buſineſs of our office without them. Pleaſe to let us have your anſwer in writing as ſoon as poſſible, in order to prevent any miſtake or miſunderſtanding that may happen from a verbal conference between us. We beg you will be pleaſed to have a direct anſwer, whether you will or not let us have the ſtamp papers for the purpoſes above-mentioned. We are, Sir, your moſt humble ſervants,

*Cuſtom-Houſe*, J. SWIFT, Deputy Collector.
*Philadelphia*, A. BARCLAY, Comptroller.
*Nov.* 4, 1764. T. GRAME, Naval Officer.

No. II.

Gentlemen,

I received yours of the 4th inſtant, and cannot but infer from the contents, that you are a ſtranger in Pennſylvania, ſince by the tenor of your letter, you ſeem to be unacquainted with the things that are come to paſs in theſe our days. Therefore, I think it neceſſary, before I proceed in anſwer, to give you a brief detail of what has happened. Firſt then, I am to inform you, that on Saturday the 5th of October laſt, the State-houſe and Chriſt-church bells were rung muffled, and two Negro-drummers, one of whom belonged to alderman Samuel Mifflin, beat through all parts of the city with muffled drums, thereby alarming the inhabitants. In conſequence whereof, a large number of people was raiſed and aſſembled at the ſtate-houſe, where it was publicly declared (as I am informed), that if I did not immediately reſign my office, my houſe ſhould be pulled down and my ſubſtance deſtroyed, but before the convention broke up, the gentlemen aſſembled there, in part changed their reſolution, and by a note they at night ſent me, indulged me till ten o'clock the Monday morning following, to ſatisfy them whether I would or not reſign my office as ſtamp-diſtributor

tributor for this province. Secondly, although it was currently reported through the city on the 4th of October laſt, that Capt. Halland, with the ſtamp papers, &c. would be up next day, and that a mob would be raiſed to deſtroy them, yet neither the governor, the ſupreme judges, the mayor, recorder, aldermen, nor any other juſticiary officers, (Benjamin Shoemaker, Eſq. excepted) took the leaſt notice thereof, nor uſed any means to preſerve the peace of the city. Thirdly, although on Monday the 7th of October, when the people collected at the Free Maſons lodge, and their delegates, who need not here be named, came to my houſe, and demanded of me my anſwer, whether I would or would not reſign my office as ſtamp-diſtributor of this province, yet neither the governor, the judges of the ſupreme court, although then ſitting, the mayor, recorder, aldermen, nor any of the peace-officers of this city, teſtified the leaſt diſapprobation thereof, but permitted thoſe gentlemen and their aſſociates, to compel me to make the declaration which you may ſee printed in the Gazette and Pennſylvania Journal of the 10th of October laſt. Fourthly, theſe gentlemen delegates and their aſſociates have therefore prevented any ſtamps from coming into my poſſeſſion. Of conſequence, it is not in my power to ſupply you. But as you may be unacquainted with the ſituation of the ſtamp-papers, I do myſelf the pleaſure of informing you, that his honour the governor, has committed them to the care of Captain Hawker, commander of his Majeſty's ſhip Sardine. And I would likewiſe, gentlemen, beg leave to acquaint you, that he has taken, as I am informed, a ſolemn oath, "to do to his utmoſt, that all and every of the clauſes contained in the ſtamp-act ſhall be *bona fide* obſerved;" wherefore I muſt refer you to him, as I am for the reaſons already aſſigned, at preſent incapacitated to ſupply you with ſtampt-papers, &c. for a more full anſwer, if neceſſary, to your letter. Fifthly, if any inconveniences or damages, therefore, ſhould happen to any perſon or perſons for want of the ſtampt papers, the blame neither can nor does lie at my door, whatever it may of thoſe of the gentlemen delegates and their aſſociates. I am ſorry, gentlemen, that you ſuffered an inſinuation to eſcape your pen, as if I would not afford you a direct anſwer to your letter, for I am perſuaded no part of my conduct has given you or any other perſon cauſe to ſuſpect either my candor or integrity, therefore, permit me to ſay, I muſt

look upon this inſinuation both ungenerous and unfriendly. I am, Sirs, your humble ſervant,

*Philadelphia, Nov.* 5, 1765. J. HUGHES.

*John Swift, Alex. Barclay, and Thomas Grame, Eſquires.*

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*Philadelphia, Sept.* 1765.

*Extract of Letters from John Hughes, Eſq. appointed Diſtributor of the Stamps for Pennſylvania, to Benjamin Franklin, Eſq. Agent for ſaid Province, by him, per Order, laid before the Parliament.*

" You are now from letter to letter to ſuppoſe each may be the laſt that you will receive from your old friend, as the ſpirit or flame of rebellion is got to a high pitch among the North Americans, and it ſeems to me, that a ſort of frenzy, or madneſs, has got ſuch hold of the people of all ranks, that I fancy ſome lives will be loſt before this fire is put out; I am at preſent much perplexed what courſe to ſteer; for, as I have given you reaſon to expect, I would endeavour to put the act in execution, and you no doubt have informed the commiſſioners I cannot in point of honor go back, until ſomething or other is done by the people to render it impoſſible for me to proceed; but, perhaps when a mob is on foot, my intereſt may fall a ſacrifice to an infatuated multitude, and I know of no other way to prevent it, but abſolutely declaring off as all the reſt have done to the eaſtward, but as yet I cannot prevail upon myſelf, notwithſtanding the threats of ſome, and the perſuaſions of others, to do an act that appears to me neither loyal nor reputable.

" I had hitherto kept matters eaſy, by ſaying I had nothing to reſign, for I have neither received any commiſſion or any other kind of writing from the ſtamp-office; but but when it is known I have received my commiſſion, I fancy I ſhall not eſcape the ſtorm of preſbyterian rage, and as Capt. Friend is expected every day, my doom will ſoon be known, but whether I may live to inform you, is yet in the womb of futurity.

" By Governor Franklin's letters, and by my laſt, you will ſee that Mr. Cox has reſigned the ſtamp-office for New-Jerſey, and there is ſcarce a day goes over my head, but many people call on me to reſign, and ſay I am an enemy to North America if I do not; but ſince I am now here and muſt abide by conſequences, be they what they will, I ſhall be exceedingly obliged to you, if it is conſiſtent with your judgment,

ment, to recommend my ſon Hugh for Mr. Cox's ſucceſſor. My ſon is married, and ſettled in New-Jerſey, has a good eſtate, both real and perſonal, and can give any ſecurity that may be required—I am the more induced to aſk this favour, as I think there will be no difficulty in putting the act in execution in that province; and, if my property, and perhaps my life may be loſt in this province, my ſon I hope will be the better for the office in that province, which may be ſome compenſation for what property may be loſt out of the family.

*Sept.* 10, 1765.

" Our aſſembly met yeſterday, and this day a majority of fifteen againſt fourteen, were for ſending a committee to New-York, to meet the committee of Boſton on the firſt of October, where they inſinuate there will be men ſent from every colony, in order to unite and become, as they expreſs it, like a bundle of rods, alluding to the fable of the old man and his ſons. This ſcheme, or plan of union, is not only begun, but indefatigably puſhed forward, by the preſbyterians principally.

*Sept.* 11. This afternoon, Capt. Friend arrived, and as he ſays he has no ſtamp papers on board, all ſeems pretty quiet at preſent. The aſſembly have named Joſeph Fox, Geo. Bryan, John Morton and John Dickinſon, as a committee to go to the Congreſs at New-York.

*Sept.* 12. Our clamours run very high, and I am told my houſe ſhall be pulled down, and the ſtamps burnt, to which I give no other anſwer than that I will defend my houſe at the riſque of my life. I muſt ſay that all the ſenſible quakers behave prudently.

*Sept.* 16. *in the evening*—Common reports threatens my houſe this night, as there are bonefires and rejoicings for the change of miniſtry. The ſober and ſenſible part of the people are doing every thing in readineſs to ſuppreſs a mob, if there ſhould be any intention of riſing. I, for my part, am well armed with fire-arms, and am determined to ſtand a ſiege. If I live till to-morrow morning, ſhall give you a further account, but as it is now about eight o'clock I am on my guard, and only write this between whiles, as every noiſe or buſtle of the people calls me off.

*Nine o'clock.* Several friends that patrole between my houſe and the coffee-houſe, came in juſt now, and ſay the collec-

tion of rabble begins to decreaſe viſibly in the ſtreets, and the appearance of danger ſeems a good deal leſs than it did.

*Twelve o'clock.* There are now ſeveral hundreds of our friends about the ſtreet ready to ſupreſs any mob, if it ſhould attempt to riſe, and the rabble are diſperſing.

*Sept.* 17. *five in the morning*—We are all yet in the land of the living, and our properties ſafe, thank God.

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*Extract of a Letter from Joſeph Galloway, Eſq. dated Philadelphia, September* 29, 1765, *to Benjamin Franklin, Eſq.*

"THE public papers will inform you of the preſent diſtracted ſtate of the colonies, and the many outrages and riots that have been occaſioned by a diſlike to the ſtamp-act, all which have been incited by the principal members of the colonies where they have been committed—Meaſures have not been wanting to create the ſame temper in the people here, in which ſome have been very active. In hopes to prevent their ill effects, I wrote a moderate piece, ſigned *Americanus*, publiſhed here and at New-York, and ſince in Virginia, wherein you will ſee my ſentiments on the ſubject. I am told it had good effect in thoſe places as well as here, being much approved by the moderate part of the people; yet we ſhould not have been free from riots here, if another method had not been taken to prevent them, viz. By aſſembling quietly at the inſtance of Mr. Hughes's friends (and not by order from the government of the city), near eight hundred ſober inhabitants were poſted in different parts, ready to prevent any miſchief that ſhould be attempted by the mob, which effectually intimidated them and kept all tolerable quiet, only they burnt a figure that they called a ſtamp-man, and about midnight diſperſed. Great pains have been taken to perſuade and frighten Mr. Hughes into a reſignation of his office, but he continues firm, and will not reſign in any manner that ſhall do diſhonour to his appointment, and I think will be able to put his commiſſion into execution, notwithſtanding the example ſet by other colonies.

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The King having, in his ſpeech, recommended to the conſideration of parliament the affairs of America, a debate naturally followed on the addreſs.

The new miniſters ſpoke tenderly of the diſturbances and confuſions in America. The late miniſters (at this time in oppoſition) were quite the reverſe.

Earl

Earl Nugent (then Mr. Nugent) inſiſted, 'That the honour and dignity of the kingdom, obliged us to compel the execution of the ſtamp-act, except the right was acknowledged, and the repeal ſolicited as a favour. He computed the expence of the troops now employed in America for their defence, as he called it, to amount to nine-pence in the pound of our land tax; while the produce of the ſtamp-act would not raiſe a ſhilling a head on the inhabitants of America; but that a pepper-corn, in acknowledgment of the right, was of more value, than millions without. He expatiated on the extreme ingratitude of the colonies; and concluded, with charging the miniſtry with encouraging petitions to parliament, and inſtructions to members from trading and manufacturing towns, againſt the act.

Mr. Pitt (now Lord Chatham) ſpoke next. And he always begins very low, and as every body was in agitation at his firſt riſing, his introduction was not heard, 'till he ſaid, 'I came to town but to-day; I was a ſtranger to the tenor of his Majeſty's ſpeech, and the propoſed addreſs, 'till I heard them read in this houſe. Unconnected and unconſulted I have not the means of information; I am fearful of offending through miſtake, and therefore beg to be indulged with a ſecond reading of the propoſed addreſs.' The addreſs being read, Mr. Pitt went on:—He commended the King's ſpeech, approved of the addreſs in anſwer, as it decided nothing, every gentleman being left at perfect liberty to take ſuch a part concerning America, as he might afterwards ſee fit. One word only he could not approve of, an *early*, is a word that does not belong to the notice the miniſtry has given to parliament of the troubles in America. In a matter of ſuch importance, the communication ought to have been immediate; I ſpeak not with reſpect to parties; I ſtand up in this place ſingle and unconnected. As to the late miniſtry, (turning himſelf to Mr. Grenville, who ſat within one of him) every capital meaſure they have taken, has been entirely wrong!

'As to the preſent gentlemen, to thoſe at leaſt whom I have in my eye (looking at the bench where Mr. Conway ſat, with the lords of the treaſury) I have no objection; I have never been made a ſacrifice by any of them. Their characters are fair; and I am always glad when men of fair character engage in his Majeſty's ſervice. Some of them have done me the honour to aſk my poor opinion, before

they would engage. Theſe will do me the juſtice to own, I adviſed them to engage; but notwithſtanding—I love to be explicit—I cannot give them my confidence; pardon me, gentlemen, (bowing to the miniſtry) confidence is a plant of ſlow growth in an aged boſom: youth is the ſeaſon of credulity; by comparing events with each other, reaſoning from effects to cauſes, methinks, I plainly diſcover the traces of an over-ruling influence.

'There is a clauſe in the act of ſettlement, to oblige every miniſter to ſign his name to the advice which he gives his ſovereign. Would it were obſerved!—I have had the honour to ſerve the crown, and if I could have ſubmitted to influence, I might have ſtill continued to ſerve; but I would not be reſponſible for others.—I have no local attachments: it is indifferent to me, whether a man was rocked in his cradle on this ſide or that ſide the Tweed.—I ſought for merit wherever it was to be found.—It is my boaſt, that I was the firſt miniſter who looked for it, and I found it in the mountains of the north. I called it forth, and drew it into your ſervice, an hardy and intrepid race of men! men, who, when left by your jealouſy, became a prey to the artifices of your enemies, and had gone nigh to have overturned the ſtate, in the war before the laſt. Theſe men, in the laſt war, were brought to combat on your ſide: they ſerved with fidelity, as they fought with valour, and conquered for you in every part of the world: deteſted be the national reflections againſt them!—they are unjuſt, groundleſs, illiberal, unmanly. When I ceaſed to ſerve his Majeſty as a miniſter, it was not the country of the man by which I was moved—but the man of that country wanted wiſdom, and held principles incompatible with freedom.

'It is a long time, Mr. Speaker, ſince I have attended in parliament. When the reſolution was taken in the houſe to tax America, I was ill in bed. If I could have endured to have been carried in my bed, ſo great was the agitation of my mind for the conſequences! I would have ſolicited ſome kind hand to have laid me down on this floor, to have borne my teſtimony againſt it. It is now an act that has paſſed—I would ſpeak with decency of every act of this houſe, but I muſt beg the indulgence of the houſe to ſpeak of it with freedom.

'I hope a day may be ſoon appointed to conſider the ſtate of the nation with reſpect to America.—I hope, gentlemen

men will come to this debate with all the temper and impartiality his Majeſty recommends, and the importance of the ſubject requires. A ſubject of greater importance than ever engaged the attention of this houſe! that ſubject only excepted, when, near a century ago, it was the queſtion, whether you yourſelves were to be bound, or free. In the mean time, as I cannot depend upon health for any future day, ſuch is the nature of my infirmities, I will beg to ſay a few words at preſent, leaving the juſtice, the equity, the policy, the expediency of the act, to another time. I will only ſpeak to one point, a point which ſeems not to have been generally underſtood—I mean to the right. Some gentlemen (alluding to Mr. Nugent) ſeem to have conſidered it as a point of honour. If gentlemen conſider it in that light, they leave all meaſures of right and wrong, to follow a deluſion that may lead to deſtruction. It is my opinion that this kingdom has no right to lay a tax upon the colonies. At the ſame time, I aſſert the authority of this kingdom over the colonies, to be ſovereign and ſupreme, in every circumſtance of government and legiſlation whatſoever.——They are the ſubjects of this kingdom, equally entitled with yourſelves to all the natural rights of mankind and the peculiar privileges of Engliſhmen. Equally bound by its laws, and equally participating of the conſtitution of this free country. The Americans are the ſons, not the baſtards, of England. Taxation is no part of the governing or legiſlative power.—The taxes are a voluntary gift and grant of the commons alone. In legiſlation the three eſtates of the realm are alike concerned, but the concurrence of the peers and the crown to a tax, is only neceſſary to cloſe with the form of a law. The gift and grant is of the commons alone. In antient days, the crown, the barons, and the clergy poſſeſſed the lands. In thoſe days, the barons and the clergy gave and granted to the crown. They gave and granted what was their own. At preſent, ſince the diſcovery of America, and other circumſtances permitting, the commons are become the proprietors of the land. The crown has diveſted itſelf of its great eſtates. The church (God bleſs it) has but a pittance. The property of the lords, compared with that of the commons, is as a drop of water in the ocean: and this houſe repreſents thoſe commons, the proprietors of the lands; and thoſe proprietors virtually repreſent the reſt of the inhabitants. When, therefore, in this houſe

houſe we give and grant, we give and grant what is our own. But in an American tax, what do we do? We, your Majeſty's commons of Great-Britain, give and grant to your Majeſty, what? Our own property?—No. We give and grant to your Majeſty, the property of your Majeſty's commons in America.—It is an abſurdity in terms.—

'The diſtinction between legiſlation and taxation is eſſentially neceſſary to liberty. The crown, the peers, are equally legiſlative powers with the commons. If taxation be a part of ſimple legiſlation, the crown, the peers have rights in taxation as well as yourſelves: rights which they will claim, which they will exerciſe, whenever the principle can be ſupported by power.

'There is an idea in ſome, that the colonies are virtually repreſented in this houſe. I would fain know by whom an American is repreſented here? Is he repreſented by any knight of the ſhire, in any county in this kingdom? Would to God that reſpectable repreſentations was augmented to a greater number! Or will you tell him that he is repreſented by any repreſentative of a borough—a borough which perhaps no man ever ſaw—This is what is called, the rotten part of the conſtitution.—It cannot continue the century—If it does not drop, it muſt be amputated.—The idea of a virtual repreſentation of America in this houſe, is the moſt contemptible idea that ever entered into the head of a man—It does not deſerve a ſerious refutation.

'The commons of America, repreſented in their ſeveral aſſemblies, have ever been in poſſeſſion of the exerciſe of this, their conſtitutional right, of giving and granting their own money. They would have been ſlaves if they had not enjoyed it. At the ſame time, this kingdom, as the ſupreme governing and legiſlative power, has always bound the colonies by her laws, by her regulations, and reſtrictions in trade, in navigation, in manufactures—in every thing, except that of taking their money out of their pockets without their conſent.—Here I would draw the line, *Quam ultra citraque nequit conſiſtere rectum.*'

He concluded with a familiar voice and tone, but ſo low that it was not eaſy to diſtinguiſh what he ſaid. A conſiderable pauſe enſued after Mr. Pitt had done ſpeaking.

Mr. Conway at length got up, He ſaid, 'he had been waiting to ſee whether any anſwer would be given to what had been advanced by the right honourable gentleman, reſerving

reſerving himſelf for the reply: but as none had been given, he had only to declare, that his own ſentiments were entirely conformable to thoſe of the right honourable gentleman.—That they are ſo conformable, he ſaid, is a circumſtance that affects me with moſt ſenſible pleaſure, and does me the greateſt honour. But two things fell from that gentleman which give me pain, as whatever falls from that gentleman, falls from ſo great a height as to make a deep impreſſion. I muſt endeavour to remove it. It was objected, that the notice given to parliament of the troubles in America was not early. I can aſſure the houſe, the firſt accounts were too vague and imperfect to be worth the notice of parliament. It is only of late that they have been preciſe and full. An over-ruling influence has alſo been hinted at. I ſee nothing of it. I feel nothing of it. I diſclaim it for myſelf, and (as far as my diſcernment can reach) for all the reſt of his Majeſty's miniſters.'

Mr. Pitt ſaid, in anſwer to Mr. Conway, 'The excuſe is a valid one, if it is a juſt one. That muſt appear from the papers now before the houſe.' Mr. Grenville next ſtood up. He began with cenſuring the miniſty very ſeverely, for delaying to give earlier notice to parliament of the diſturbances in America. He ſaid, 'they began in July, and now we are in the middle of January; lately they were only occurrences, they are now grown to diſturbances, to tumults and riots. I doubt they border on open rebellion; and if the doctrine I have heard this day be confirmed, I fear they will loſe that name to take that of revolution. The government over them being diſſolved, a revolution will take place in America. I cannot underſtand the difference between external and internal taxes. They are the ſame in effect, and only differ in name. That this kingdom has the ſovereign, the ſupreme legiſlative power over America, is granted. It cannot be denied; and taxation is a part of that ſovereign power. It is one branch of the legiſlation. It is, it has been exerciſed, over thoſe who are not, who were never repreſented. It is exerciſed over the India company, the merchants of London, the proprietors of the ſtocks, and over many great manufacturing towns. It was exerciſed over the palatinate of Cheſter, and the biſhopric of Durham, before they ſent any repreſentatives to parliament. I appeal for proof to the preambles of the acts which gave them repreſentatives: the the one in the reign of Henry VIII. the other in that of Charles

Charles II.' Mr. Grenville then quoted the acts, and desired that they might be read; which being done, he said: 'When I proposed to tax America, I asked the house, if any gentleman would object to the right; I repeatedly asked it, and no man would attempt to deny it. Protection and obedience are reciprocal. Great-Britain protects America; America is bound to yield obedience. If not, tell me where the Americans were emancipated? When they want the protection of this kingdom, they are always very ready to ask it. That protection has always been afforded them in the most full and ample manner. The nation has run itself into an immense debt to give them their protection; and now they are called upon to contribute a small share towards the public expence, an expence arising from themselves, they renounce your authority, insult your officers, and break out, I might almost say, into open rebellion. The seditious spirit of the colonies owes its birth to the factions in the house. Gentlemen are careless of the consequences of what they say, provided it answers the purposes of opposition. We were told we trod on tender ground; we were bid to expect disobedience. What was this, but telling the Americans to stand out against the law, to encourage their obstinacy with the expectation of support from hence? Let us only hold out a little, they would say, our friends will soon be in power. Ungrateful people of America! Bounties have been extended to them. When I had the honour of serving the crown, while you yourselves were loaded with an enormous debt, you have given bounties on their lumber, on their iron, their hemp, and many other articles. You have relaxed, in their favour, the act of navigation, that palladium of the British commerce; and yet I have been abused in all the public papers as an enemy to the trade of America. I have been particularly charged with giving orders and instructions to prevent the Spanish trade, and thereby stopping the channel, by which alone North-America used to be supplied with cash for remittances to this country. I defy any man to produce any such orders or instructions. I discouraged no trade but what was illicit, what was prohibited by act of parliament. I desire a West-India merchant, well known in the city (Mr. Long) a gentleman of character, may be examined. He will tell you, that I offered to do every thing in my power to advance the trade of America.

I was

I was above giving an anſwer to anonymous calumnies; but in this place, it becomes one to wipe off the aſperſion.'

Here Mr. Grenville ceaſed. Several members got up to ſpeak, but Mr. Pitt ſeeming to riſe, the houſe was ſo clamorous for Mr. Pitt, Mr. Pitt, that the ſpeaker was obliged to call to order. After obtaining a little quiet, he ſaid, 'Mr. Pitt was up;' who began with informing the houſe, 'That he did not mean to have gone any further upon the ſubject that day; that he had only deſigned to have thrown out a few hints, which, gentlemen who were ſo confident of the right of this kingdom to ſend taxes to America, might conſider; might, perhaps, reflect, in a cooler moment, that the right was at leaſt equivocal. But ſince the gentleman, who ſpoke laſt, had not ſtopped on that ground, but had gone into the whole; into the juſtice, the equity, the policy, the expediency of the ſtamp-act, as well as into the right, he would follow him through the whole field, and combat his arguments on every point.'

He was going on, when the late Lord Strange got up, and called both the gentlemen, Mr. Pitt, and Mr. Grenville, to order. He ſaid, 'they had both departed from the matter before the houſe, which was the King's ſpeech; and that Mr. Pitt was going to ſpeak twice on the ſame debate, although the houſe was not in a committee.'

Mr. Onſlow (now Lord Onſlow) anſwered, 'That they were both in order, as nothing had been ſaid, but what was fairly deducible from the King's ſpeech;' and appealed to the Speaker. The Speaker decided in Mr. Onſlow's favour.

Mr. Pitt ſaid, 'I do not apprehend I am ſpeaking twice: I did expreſsly reſerve a part of my ſubject, in order to ſave the time of this houſe, but I am compelled to proceed in it. I do not ſpeak twice; I only finiſhed what I deſignedly left imperfect. But if the houſe is of a different opinion, far be it from me to indulge a wiſh of tranſgreſſion, againſt order. I am content, if it be your pleaſure, to be ſilent.'—Here he pauſed.—The houſe reſounded with, Go on, go on; he proceeded:

'Gentlemen, Sir, (to the Speaker) I have been charged with giving birth to ſedition in America. They have ſpoken their ſentiments with freedom, againſt this unhappy act, and that freedom has become their crime. Sorry I am to hear the liberty of ſpeech in this houſe, imputed as a crime. But the imputation ſhall not diſcourage me. It is a liberty I

mean

mean to exerciſe. No gentleman ought to be afraid to exerciſe it. It is a liberty by which the gentleman who calumniates it might have profited. He ought to have profited. He ought to have deſiſted from his project. The gentleman tells us, America is obſtinate; America is almoſt in open rebellion. I rejoice that America has reſiſted. Three millions of people, ſo dead to all the feelings of liberty, as voluntarily to ſubmit to be ſlaves, would have been fit inſtruments to make ſlaves of the reſt. I come not here armed at all points, with law caſes and acts of parliament, with the ſtatute book doubled down in dogs-ears, to defend the cauſe of liberty: if I had, I myſelf would have cited the two caſes of Cheſter and Durham. I would have cited them, to have ſhewn, that, even under any arbitrary reigns, parliaments were aſhamed of taxing a people without their conſent, and allowed them repreſentatives. Why did the gentleman confine himſelf to Cheſter and Durham? He might have taken a higher example in Wales; Wales, that never was taxed by parliament till it was incorporated. I would not debate a particular point of law with the gentleman: I know his abilities. I have been obliged to his diligent reſearches. But, for the defence of liberty upon a general principle, upon a conſtitutional principle, it is a ground on which I ſtand firm; on which I dare meet any man. The gentleman tells us of many who are taxed, and are not repreſented. The India company, merchants, ſtock-holders, manufacturers. Surely many of theſe are repreſented in other capacities, as owners of land, or as freemen of boroughs. It is a misfortune that more are not actually repreſented. But they are all inhabitants, and, as ſuch, are virtually repreſented. Many have it in their option to be actually repreſented. They have connections with thoſe that elect, and they have influence over them. The gentleman mentioned the ſtock-holders: I hope he does not reckon the debts of the nation as a part of the national eſtate. Since the acceſſion of King William, many miniſters, ſome of great, others of more moderate abilities, have taken the lead of government.

He then went through the liſt of them, bringing it down till he came to himſelf, giving a ſhort ſketch of the characters of each of them. 'None of theſe, he ſaid, thought, or ever dreamed, of robbing the colonies of their conſtitutional rights. That was reſerved to mark the æra of the late adminiſtration:

miniſtration: not that there wanting ſome, when I had the honour to ſerve his Majeſty, to propoſe to me to burn my fingers with an American ſtamp-act. With the enemy at their back, with our bayonets at their breaſts, in the day of their diſtreſs, perhaps the Americans would have ſubmitted to the impoſition; but it would have been taking an ungenerous, and unjuſt advantage. The gentleman boaſts of his bounties to America! Are not thoſe bounties intended finally for the benefit of this kingdom? If they are not, he has miſapplied the national treaſures. I am no courtier of America, I ſtand up for this kingdom. I maintain, that the parliament has a right to bind, to reſtrain America. Our legiſlative power over the colonies is ſovereign and ſupreme. When it ceaſes to be ſovereign and ſupreme, I would adviſe every gentleman to ſell his lands, if he can, and embark for that country. When two countries are connected together, like England and her colonies, without being incorporated, the one muſt neceſſarily govern; the greater muſt rule the leſs; but ſo rule it, as not to contradict the fundamental principles that are common to both.

'If the gentleman does not underſtand the difference between internal and external taxes, I cannot help it; but there is a plain diſtinction between taxes levied for the purpoſes of raiſing a revenue, and duties impoſed for the regulation of trade, for the accommodation of the ſubject; altho', in the conſequences, ſome revenue might incidentally ariſe from the latter.

'The gentleman aſks, when were the colonies emancipated? But I deſire to know, when they were made ſlaves? But I dwell not upon words. When I had the honour of ſerving his Majeſty, I availed myſelf of the means of information, which I derived from my office: I ſpeak therefore from knowledge. My materials were good. I was at pains to collect, to digeſt, to conſider them; and I will be bold to affirm, that the profits to Great Britain from the trade of the colonies, through all its branches, is two millions a year. This is the fund that carried you triumphantly through the laſt war. The eſtates that were rented at two thouſand pounds a year, threeſcore years ago, are at three thouſand pounds at preſent. Thoſe eſtates ſold then from fifteen to eighteen years purchaſe; the ſame may be now ſold for thirty. You owe this to America. This is the price that America pays you for her protection. And ſhall a miſerable financier come with a boaſt, that he can fetch a pepper-corn into the

Exchequer,

Exchequer, to the loſs of millions to the nation! I dare not ſay, how much higher theſe profits may be augmented. Omitting the immenſe increaſe of people, by natural population, in the northern colonies, and the migration from every part of Europe. I am convinced the whole commercial ſyſtem of America may be altered to advantage. You have prohibited, where you ought to have encouraged; and you have encouraged where you ought to have prohibited. Improper reſtraints have been laid on the continent, in favour of the iſlands. You have but two nations to trade with in America. Would you had twenty! Let acts of parliament in conſequence of treaties remain, but let not an Engliſh miniſter become a cuſtom-houſe officer for Spain, or for any foreign power. Much is wrong, much may be amended for the general good of the whole.

'Does the gentleman complain he has been miſrepreſented in the public prints? It is a common misfortune. In the Spaniſh affair of the laſt war, I was abuſed in all the newspapers, for having adviſed his Majeſty to violate the law of nations with regard to Spain. The abuſe was induſtriouſly circulated even in hand-bills. If adminiſtration did not propagate the abuſe, adminiſtration never contradicted it. I will not ſay what advice I did give to the King. My advice is in writing, ſigned by myſelf, in the poſſeſſion of the crown. But I will ſay, what advice I did not give to the King: I did not adviſe him to violate any of the laws of nations.

'As to the report of the gentleman's preventing in ſome way the trade for bullion with the Spaniards, it was ſpoken of ſo confidently, that I own I am one of thoſe who did believe it to be true.

'The gentleman muſt not wonder he was not contradicted, when, as the miniſter, he aſſerted the right of parliament to tax America. I know not how it is, but there is a modeſty in this houſe which does not chuſe to contradict a miniſter. I wiſh gentlemen would get the better of this modeſty. If they do not, perhaps, the collective body may begin to abate of its reſpect for the repreſentative. Lord Bacon had told me, that a great queſtion would not fail of being agitated at one time or another. I was willing to agitate that at the proper ſeaſon, the German war: my German war, they called it. Every ſeſſion I called out, has any body any objections to the German war? No body would object to it, one gentleman only excepted, ſince removed to the upper houſe,

houſe, by ſucceſſion to an ancient barony,' (meaning Lord le Deſpencer, formerly Sir Francis Daſhwood;) he told me, "he did not like a German war," I honoured the man for it, and was ſorry when he was turned out of his poſt.

'A great deal has been ſaid without doors, of the power, of the ſtrength of America. It is a topic that ought to be cautiouſly meddled with. In a good cauſe, on a ſound bottom, the force of this country can cruſh America to atoms. I know the valour of your troops. I know the ſkill of your officers. There is not a company of foot that has ſerved in America, out of which you may not pick a man of ſufficient knowledge and experience, to make a governor of a colony there. But on this ground, on the ſtamp-act, when ſo many here will think it a crying injuſtice, I am one who will lift up my hands againſt it.

'In ſuch a cauſe, your ſucceſs would be hazardous.—America, if ſhe fell, would fall like the ſtrong man. She would embrace the pillars of the ſtate, and pull down the conſtitution along with her. Is this your boaſted peace? Not to ſheath the ſword in its ſcabbard, but to ſheath it in the bowels of your countrymen? Will you quarrel with yourſelves, now the whole houſe of Bourbon is united againſt you? While France diſturbs your fiſheries in Newfoundland, embarraſſes your ſlave trade to Africa, and withholds from your ſubjects in Canada, their property ſtipulated by treaty; while the ranſom for Manillas is denied by Spain, and its gallant conqueror baſely traduced into a mean plunderer, a gentleman (Sir W. Draper) whoſe noble and generous ſpirit would do honour to the proudeſt grandee of the country. The Americans have not acted in all things with prudence and temper. They have been wronged. They have been driven to madneſs by injuſtice. Will you puniſh them for the madneſs you have occaſioned? Rather let prudence and temper come firſt from this ſide. I will undertake for America, that ſhe will follow the example. There are two lines in a ballad of Prior's, of a man's behaviour to his wife, ſo applicable to you and your colonies, that I cannot help repeating them:

'Be to her faults a little blind:
'Be to her virtues very kind.

'Upon the whole, I will beg leave to tell the houſe what is really my opinion. It is, that the ſtamp-act be repealed abſolutely, totally, and immediately. That the reaſon for

the repeal be aſſigned, becauſe it was founded on an erroneous principle. At the ſame time, let the ſovereign authority of this country over the colonies, be aſſerted in as ſtrong terms as can be deviſed, and be made to extend to every point of legiſlation whatſoever. That we may bind their trade, confine their manufactures, and exerciſe every power whatſoever, except that of taking their money out of their pockets without their conſent!'—

This debate determined the repeal of the ſtamp-act. At the ſame time a bill was brought in, and paſſed, for ſecuring the dependence of America on Great Britain, in which it was aſſerted, "That the Parliament of Great Britain had a right to bind the Colonies in all caſes whatſoever."

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When the bill to repeal the ſtamp-act, was before the committee of the houſe of commons, Dr. Benjamin Franklin was examined at the bar of the houſe, on the affairs of America. The following is a copy of the examination.

Q. What is your name, and place of abode?

A. Franklin, of Philadelphia.

Q. Do the Americans pay any conſiderable taxes among themſelves?

A. Certainly many, and very heavy taxes.

Q. What are the preſent taxes in Pennſylvania, laid by the laws of the colony?

A. There are taxes on all eſtates real and perſonal, a poll-tax, a tax on all offices, profeſſions, trades and buſineſs, according to their profits; an exciſe on all wine, rum, and other ſpirits; and a duty of ten pounds per head on all Negroes imported, with ſome other duties.

Q. For what purpoſes are thoſe taxes laid?

A. For the ſupport of the civil and military eſtabliſhments of the country, and to diſcharge the heavy debt contracted in the laſt war.

Q. How long are thoſe taxes to continue?

A. Thoſe for diſcharging the debt are to continue till 1772, and longer, if the debt ſhould not be then all diſcharged. The others muſt always continue.

Q. Was it not expected that the debt would have been ſooner diſcharged?

A. It was, when the peace was made with France and Spain—But a freſh war breaking out with the Indians, a freſh

freſh load of debt was incurred, and the taxes, of courſe, continued longer by a new law.

Q. Are not all the people very able to pay thoſe taxes?

A. No. The frontier counties, all along the continent, have been frequently ravaged by the enemy, and greatly impoveriſhed, are able to pay very little tax. And therefore, in conſideration of their diſtreſſes, our late tax laws do expreſsly favour thoſe counties, excuſing the ſufferers; and I ſuppoſe the ſame is done in other government.

Q. Are not you concerned in the management of the poſt-office in America?

A. Yes. I am deputy poſt-maſter general of North-America.

Q. Don't you think the diſtribution of ſtamps, by poſt, to all the inhabitants, very practicable, if there was no oppoſition?

A. The poſts only go along the ſea-coaſts; they do not, except in a few inſtances, go back into the country; and if they did, ſending for ſtamps by poſt would occaſion an expence of poſtage, amounting, in many caſes, to much more than that of the ſtamps themſelves.

Q. Are you acquainted with Newfoundland?

A. I never was there.

Q. Do you know whether there are any poſt-roads on that iſland?

A. I have heard that there are no roads at all; but that the communication between one ſettlement and another is by ſea only.

Q. Can you diſperſe the ſtamps by poſt in Canada?

A. There is only a poſt between Montreal and Quebec. The inhabitants live ſo ſcattered and remote from each other, in that vaſt country, that poſts cannot be ſupported among them, and therefore they cannot get ſtamps per poſt. The Engliſh colonies too, along the frontiers, are very thinly ſettled.

Q. From the thinneſs of the back ſettlements, would not the ſtamp-act be extremely inconvenient to the inhabitants, if executed?

A. To be ſure it would; as many of the inhabitants could not get ſtamps when they had occaſion for them, without taking long journeys, and ſpending perhaps three or four pounds, that the crown might get ſix-pence.

Q. Are not the colonies, from their circumſtances, very able to pay the ſtamp duty.

A. In my opinion, there is not gold and ſilver enough in the colonies to pay the ſtamp duty for one year.

Q. Don't you know that the money ariſing from the ſtamps was all to be laid out in America?

A. I know it is appropriated by the act to the American ſervice; but it will be ſpent in the conquered colonies, where the ſoldiers are, not in the colonies that pay it.

Q. Is there not a balance of trade due from the colonies where the troops are poſted, that will bring back the money to the old colonies?

A. I think not. I believe very little would come back. I know of no trade likely to bring it back. I think it would come from the colonies where it was ſpent directly to England; for I have always obſerved, that in every colony the more plenty the means of remittance to England, the more goods are ſent for, and the more trade with England carried on.

Q. What number of white inhabitants do you think there are in Pennſylvania?

A. I ſuppoſe there may be about 160,000.

Q. What number of them are Quakers?

A. Perhaps a third.

Q. What number of Germans?

A. Perhaps another third; but I cannot ſpeak with certainty.

Q. Have any number of the Germans ſeen ſervice, as ſoldiers, in Europe?

A. Yes,—many of them, both in Europe and America.

Q. Are they as much diſſatisfied with the ſtamp-duty as the Engliſh?

A. Yes, and more; and with reaſon, as their ſtamps are, in many caſes, to be double.

Q. How many white men do you ſuppoſe there are in North-America?

A. About 300,000, from ſixteen to ſixty years of age.

Q. What may be the amount of one year's imports into Pennſylvania from Britain?

A. I have been informed that our merchants compute the imports from Britain to be above 500,000 pounds.

Q. What may be the amount of the produce of your province exported to Britain?

A. It

A. It muſt be ſmall, as we produce little that is wanted in Britain. I ſuppoſe it cannot exceed 40,000 pounds.

Q. How then do you pay the balance.

A. The balance is paid by our produce carried to the Weſt-Indies, and ſold in our own iſlands, or to the French, Spaniards, Danes and Dutch; by the ſame carried to other colonies in North-America, as to New England, Nova-Scotia, Newfoundland, Carolina and Georgia; by the ſame carried to different parts of Europe, as Spain, Portugal and Italy. In all which places we receive either money, bills of exchange, or commodities that ſuit for remittance to Britain; which, together with all the profits on the induſtry of our merchants and mariners, ariſing in thoſe circuitous voyages, and the freights made by their ſhips, center finally in Britain to diſcharge the balance, and pay for Britiſh manufactures continually uſed in the province, or ſold to foreigners by our traders.

Q. Have you heard of any difficulties lately laid on the Spaniſh trade?

A. Yes, I have heard that it has been greatly obſtructed by ſome new regulations, and by the Engliſh men of war and cutters ſtationed all along the coaſt in America.

Q. Do you think it right that America ſhould be protected by this country, and pay no part of the expence?

A. That is not the caſe. The colonies raiſed, cloathed and payed, during the laſt war, near 25000 men, and ſpent many millions.

Q. Were not you reimburſed by parliament?

A. We were only reimburſed what, in your opinion, we had advanced beyond our proportion, or beyond what might reaſonably be expected from us; and it was a very ſmall part of what we ſpent. Pennſylvania, in particular, diſburſed about 500,000 pounds, and the reimburſements in the whole, did not exceed 60,000 pounds.

Q. You have ſaid that you pay heavy taxes in Pennſylvania; what do they amount to in the pound?

A. The tax on all eſtates, real and perſonal, is eighteenpence in the pound, fully rated; and the tax on the profits of trades and profeſſions, with other taxes, do, I ſuppoſe, make full half a crown in the pound.

Q. Do you know any thing of the rate of exchange in Pennſylvania, and whether it has fallen lately?

A. It is commonly from 170 to 175. I have heard that it has fallen lately from 175 to 162 and a half, owing, I ſuppoſe, to their leſſening their orders for goods; and when their debts to this country are paid, I think the exchange will probably be at par.

Q. Do not you think the people of America would ſubmit to pay the ſtamp-duty, if it was moderated?

A. No, never, unleſs compelled by force of arms.

Q. Are not the taxes in Pennſylvania laid on unequally, in order to burthen the Engliſh trade, particularly the tax on lands.

A. It is intended, and ſuppoſed to take an equal proportion of profits.

Q. How is the aſſembly compoſed? Of what kind of people are the members, landholders or traders?

A. It is compoſed of landholders, merchants and artificers.

Q. Are not the majority landholders?

A. I believe they are.

Q. Do not they, as much as poſſible, ſhift the tax off from the land, to eaſe that, and lay the burthen heavier on trade?

A. I have never underſtood it ſo. I never heard ſuch a thing ſuggeſted. And indeed an attempt of that kind could anſwer no purpoſe. The merchant or trader is always ſkilled in figures, and ready with his pen and ink. If unequal burthens are laid on his trade, he puts an additional price on his goods; and the conſumers, who are chiefly landholders, finally pay the greateſt part, if not the whole.

Q. What was the temper of America towards Great Britain before the year 1763?

A. The beſt in the world. They ſubmitted willingly to the government of the crown, and paid, in all their courts, obedience to acts of parliament. Numerous as the people are in the ſeveral old provinces, they coſt you nothing in forts, citadels, garriſons or armies, to keep them in ſubjection. They were governed by this country at the expence only of a little pen, ink and paper. They were led by a thread. They had not only a reſpect, but an affection for Great Britain, for its laws, its cuſtoms and manners, and even a fondneſs for its faſhions, that greatly increaſed the commerce. Natives of Britain were always treated with particular regard; to be an Old England-man was, of itſelf, a character of ſome reſpect, and gave a kind of rank among us.

Q. And what is their temper now.

A. O,

A. O, very much altered.

Q. Did you ever hear the authority of parliament to make laws for America queſtioned till lately?

A. The authority of parliament was allowed to be valid in all laws, except ſuch as ſhould lay internal taxes. It was never diſputed in laying duties to regulate commerce.

Q. In what proportion hath population increaſed in America?

A. I think the inhabitants of all the provinces together, taken at a medium, double in about twenty-five years. But their demand for Britiſh manufactures increaſes much faſter, as the conſumption is not merely in proportion to their numbers, but grows with the growing abilities of the ſame numbers to pay for them. In 1723, the whole importation from Britain to Pennſylvania, was but about 15,000 pounds ſterling; it is now near half a million.

Q. In what light did the people of America uſe to conſider the parliament of Great-Britain?

A. They conſidered the parliament as the great bulwark and ſecurity of their liberties and privileges, and always ſpoke of it with the utmoſt reſpect and veneration. Arbitrary miniſters, they thought, might poſſibly, at times, attempt to oppreſs them; but they relied on it, that the parliament, on application, would always give redreſs. They remembered, with gratitude, a ſtrong inſtance of this, when a bill was brought into parliament, with a clauſe, to make royal inſtructions laws in the colonies, which the houſe of commons would not paſs, and it was thrown out.

Q. And have they not ſtill the ſame reſpect for parliament?

A. No; it is greatly leſſened.

Q. To what cauſes is that owing?

A. To a concurrence of cauſes; the reſtraints lately laid on their trade; by which the bringing of foreign gold and ſilver into the colonies was prevented; the prohibition of making paper money among themſelves; and then demanding a new and heavy tax by ſtamps; taking away, at the ſame time, trials by juries, and refuſing to receive and hear their humble petitions.

Q. Don't you think they would ſubmit to the ſtamp-act, if it was modified, the obnoxious parts taken out, and the duty reduced to ſome particulars, of ſmall moment?

A. No; they will never ſubmit to it.

Q. What do you think is the reaſon that the people of America increaſe faſter than in England?

A. Becauſe they marry younger, and more generally.

Q. Why ſo?

A. Becauſe any young couple that are induſtrious, may eaſily obtain land of their own, on which they can raiſe a family.

Q. Are not the lower rank of people more at their eaſe in America than in England?

A. They may be ſo, if they are ſober and diligent, as they are better paid for their labour.

Q. What is your opinion of a future tax, impoſed on the ſame principle with that of the ſtamp-act; how would the Americans receive it?

A. Juſt as they do this. They would not pay it.

Q. Have not you heard of the reſolutions of this houſe, and of the houſe of lords, aſſerting the right of parliament relating to America, including a power to tax the people there?

A. Yes, I have heard of ſuch reſolutions

Q. What will be the opinion of the Americans on thoſe reſolutions?

A. They will think them unconſtitutional and unjuſt.

Q. Was it an opinion in America before 1763, that the parliament had no right to lay taxes and duties there?

A. I never heard any objection to the right of laying duties to regulate commerce; but a right to lay internal taxes was never ſuppoſed to be in parliament, as we are not repreſented there.

Q. On what do you found your opinion, that the people in America made any ſuch diſtinction?

A. I know that whenever the ſubject had occurred in converſation where I have been preſent, it has appeared to be the opinion of every one, that we could not be taxed in a parliament where we were not repreſented. But the payment of duties laid by act of parliament, as regulations of commerce was never diſputed.

Q. But can you name any act of aſſembly, or public act of any of your governments, that made ſuch diſtinction?

A. I do not know that there was any; I think there was never an occaſion to make any ſuch act, till now that you have attempted to tax us; that has occaſioned reſolutions of aſſembly,

aſſembly, declaring the diſtinction, in which I think every aſſembly on the continent, and every member in every aſſembly, have been unanimous.

Q. What then could occaſion converſations on that ſubject before that time.

A. There was in 1754 a propoſition made (I think it came from hence) that in caſe of a war, which was then apprehended, the governors of the colonies ſhould meet, and order the levying of troops, building of forts, and taking every other neceſſary meaſure for the general defence; and ſhould draw on the treaſury here for the ſums expended, which were afterwards to be raiſed in the colonies by a general tax, to be laid on them by act of parliament. This occaſioned a good deal of converſation on the ſubject, and the general opinion was, that the parliament neither would nor could lay any tax on us, till we were duly repreſented in parliament, becauſe it was not juſt, nor agreeable to the nature of an Engliſh conſtitution.

Q. Don't you know there was a time in New-York, when it was under conſideration to make an application to parliament to lay taxes on that colony, upon a deficiency ariſing from the aſſembly's refuſing or neglecting to raiſe the neceſſary ſupplies for the ſupport of the civil government?

A. I never heard of it.

Q. There was ſuch an application under conſideration in New-York; and do you apprehend they could ſuppoſe the right of parliament to lay a tax in America was only local, and confined to the caſe of a deficiency in a particular colony, by a refuſal of its aſſembly to raiſe the neceſſary ſupplies?

A. They could not ſuppoſe ſuch a caſe, as that the aſſembly would not raiſe the neceſſary ſupplies to ſupport its own government. An aſſembly that would refuſe it muſt want common ſenſe, which cannot be ſuppoſed. I think there never was any ſuch caſe at New-York, and that it muſt be a miſrepreſentation, or the fact muſt be miſunderſtood. I know there have been ſome attempts, by miniſterial inſtructions from hence, to oblige the aſſemblies to ſettle permanent ſalaries on governors, which they wiſely refuſed to do; but I believe no aſſembly of New-York, or any other colony, ever refuſed duly to ſupport government by proper allowances, from time to time, to public officers.

Q. But in caſe a governor, acting by inſtruction, ſhould call on an aſſembly to raiſe the neceſſary ſupplies, and the aſſembly

aſſembly ſhould refuſe to do it, do you not think it would then be for the good of the people of the colony, as well as neceſſary to government, that the parliament ſhould tax them?

A. I do think it would be neceſſary. If an aſſembly could poſſibly be ſo abſurd as to refuſe raiſing the ſupplies requiſite for the maintenance of government among them, they could not long remain in ſuch a ſituation; the diſorders and confuſion occaſioned by it muſt ſoon bring them to reaſon.

Q. If it ſhould not, ought not the right to be in Great-Britain of applying a remedy?

A. A right only to be uſed in ſuch a caſe, I ſhould have no objection to, ſuppoſing it to be uſed merely for the good of the people of the colony.

Q. But who is to judge of that, Britain or the colony?

A. Thoſe that feel can beſt judge.

Q. You ſay the colonies have always ſubmitted to external taxes, and object to the right of parliament only in laying internal taxes; now can you ſhew that there is any kind of difference between the two taxes to the colony on which they may be laid?

A. I think the difference is very great. An external tax is a duty laid on commodities imported; that duty is added to the firſt coſt, and other charges on the commodity, and when it is offered to ſale, makes a part of the price. If the people do not like it at the price, they refuſe it; they are not obliged to pay it. But an internal tax is forced from the people without their conſent, if not laid by their own repreſentatives. The ſtamp act ſays, we ſhall have no commerce, make no exchange of property with each other, neither purchaſe nor grant, nor recover debts; we ſhall neither marry nor make our wills, unleſs we pay ſuch and ſuch ſums, and thus it is intended to extort our money from us, or ruin us by the conſequences of refuſing to pay it.

Q. But ſuppoſing the internal tax or duty to be laid on the neceſſaries of life imported into your colony, will not that be the ſame thing in its effects as an internal tax?

A. I do not know a ſingle article imported into the northern colonies, but what they can either do without, or make themſelves.

Q. Don't you think cloth from England abſolutely neceſſary to them?

A. No,

A. No, by no means abſolutely neceſſary; with induſtry and good management they may very well ſupply themſelves with all they want.

Q. Will it not take a long time to eſtabliſh that manufacture among them; and muſt they not in the mean while ſuffer greatly?

A. I think not. They have made a ſurpriſing progreſs already. And I am of opinion, that before their old clothes are wore out, they will have new ones of their own making.

Q. Can they poſſibly find wool enough in North-America?

A. They have taken ſteps to increaſe the wool. They entered into general combinations to eat no more lamb, and very few lambs were killed laſt year. This courſe perſiſted in, will ſoon make a prodigious difference in the quantity of wool. And the eſtabliſhing of great manufactories, like thoſe in the clothing towns here, is not neceſſary, as it is where the buſineſs is to be carried on for the purpoſes of trade. The people will all ſpin, and work for themſelves, in their own houſes.

Q. Can there be wool and manufacture enough in one or two years?

A. In three years, I think, there may.

Q. Does not the ſeverity of the winter, in the northern colonies, occaſion the wool to be of bad quality?

A. No; the wool is very fine and good.

Q. In the more ſouthern colonies, as in Virginia, don't you know that the wool is coarſe, and only a kind of hair?

A. I don't know it. I never heard it. Yet I have been ſometimes in Virginia. I cannot ſay I ever took particular notice of the wool there, but I believe it is good, though I cannot ſpeak poſitively of it; but Virginia, and the colonies ſouth of it, have leſs occaſion for wool; their winters are ſhort, and not very ſevere, and they can very well clothe themſelves with linen and cotton of their own raiſing for the reſt of the year.

Q. Are not the people in the more northern colonies obliged to fodder their ſheep all the winter?

A. In ſome of the moſt northern colonies they may be obliged to do it ſome part of the winter.

Q. Conſidering the reſolutions of parliament, as to the right, do you think, if the ſtamp-act is repealed, that the North-Americans will be ſatisfied?

A. I

A. I believe they will?

Q. Why do you think ſo?

A. I think the reſolutions of right will give them very little concern, if they are never attempted to be carried into practice. The colonies will probably conſider themſelves in the ſame ſituation, in that reſpect, with Ireland; they know you claim the ſame right with regard to Ireland, but you never exerciſe it. And they may believe you never will exciſe it in the colonies, any more than in Ireland, unleſs on ſome very extraordinary occaſion.

Q. But who are to be the judges of that extraordinary occaſion? Is not the parliament?

A. Though the parliament may judge of the occaſion, the people will think it can never exerciſe ſuch right, till repreſentatives from the colonies are admitted into parliament, and that whenever the occaſion ariſes, repreſentatives will be ordered.

Q. Did you never hear that Maryland, during the laſt war, had refuſed to furniſh a quota towards the common defence?

A. Maryland has been much miſrepreſented in that matter. Maryland, to my knowledge, never refuſed to contribute, or grant aids to the crown. The aſſemblies every year, during the war, voted conſiderable ſums, and formed bills to raiſe them. The bills were, according to the conſtitution of that province, ſent up to the council, or upper houſe, for concurrence, that they might be preſented to the governor, in order to be enacted into laws. Unhappy diſputes between the two houſes ariſing, from the defects of that conſtitution principally, rendered all the bills but one or two abortive. The proprietary's council rejected them. It is true, Maryland did not contribute its proportion, but it was, in my opinion, the fault of the government, not of the people.

Q. Was it not talked of in the other provinces as a proper meaſure to apply to parliament to compel them?

A. I have heard ſuch diſcourſe; but as it was well known, that the people were not to blame, no ſuch application was ever made, nor any ſtep taken towards it.

Q. Was it not propoſed at a public meeting?

A. Not that I know of.

Q. Do you remember the aboliſhing of the paper-currency in New-England, by act of aſſembly?

A. I

A. I do remember its being aboliſhed, in the Maſſachuſett's-bay.

Q. Was not lieutenant-governor Hutchiſon principally concerned in that tranſaction?

A. I have heard ſo.

Q. Was not at that time a very unpopular law?

A. I believe it might, though I can ſay little about it, as I lived at a diſtance from that province.

Q. Was not the ſcarcity of gold and ſilver an argument uſed againſt aboliſhing the paper?

A. I ſuppoſe it was.

Q. What is the preſent opinion there of that law? Is it as unpopular as it was at firſt?

A. I think it is not.

Q. Have not inſtructions from hence been ſometimes ſent over to governors, highly oppreſſive and unpolitical?

A. Yes.

Q. Have not ſome governors diſpenſed with them for that reaſon?

A. Yes; I have heard ſo.

Q. Did the Americans ever diſpute the controuling power of parliament to regulate the commerce?

A. No.

Q. Can any thing leſs than a military force carry the ſtamp-act into execution?

A. I do not ſee how a military force can be applied to that purpoſe.

Q. Why may it not?

A. Suppoſe a military force ſent into America, they will find nobody in arms; what are they then to do? They cannot force a man to take ſtamps who chuſes to do without them. They will not find a rebellion; they may indeed make one.

Q. If the act is not repealed, what do you think will be the conſequences?

A. A total loſs of the reſpect and affection the people of America bear to this country, and of all the commerce that depends on that reſpect and affection.

Q. How can the commerce be affected?

A. You will find, that if the act is not repealed, they will take very little of your manufactures in a ſhort time.

Q. Is it in their power to do without them?

A. I think they may do very well without them.

Q. Is it their intereſt not to take them?

A. The goods they take from Britain are either neceſſaries, mere conveniences, or ſuperfluities. The firſt, as cloth, &c. with a little induſtry they can make at home; the ſecond they can do without, till they are able to provide them among themſelves; and the laſt, which are much the greateſt part, they will ſtrike off immediately. They are mere articles of faſhion, purchaſed and conſumed, becauſe the faſhion in a reſpected country; but will now be deteſted and rejected. The people have already ſtruck off, by general agreement, the uſe of all goods faſhionable in mournings, and many thouſand pounds worth are ſent back as unſaleable.

Q. Is it their intereſt to make cloth at home?

A. I think they may at preſent get it cheaper from Britain, I mean of the ſame fineneſs and neatneſs of workmanſhip; but when one conſiders other circumſtances, the reſtraints on their trade, and the difficulty of making remittances, it is their intereſt to make every thing.

Q. Suppoſe an act of internal regulations connected with a tax, how would they receive it?

A. I think it would be objected to.

Q. Then no regulation with a tax would be ſubmitted to?

A. Their opinion is, that when aids to the crown are wanted, they are to be aſked of the ſeveral aſſemblies, according to the old eſtabliſhed uſage, who will, as they always have done, grant them freely. And that their money ought not to be given away, without their conſent, by perſons at a diſtance, unacquainted with their circumſtances and abilities. The granting aids to the crown, is the only means they have of recommending themſelves to their ſovereign, and they think it extremely hard and unjuſt, that a body of men, in which they have no repreſentatives, ſhould make a merit to itſelf of giving and granting what is not its own, but theirs, and deprive them of a right they eſteem of the utmoſt value and importance, as it is the ſecurity of all their other rights.

Q. But is not the poſt-office, which they have long received, a tax as well as a regulation?

A. No; the money paid for the poſtage of a letter is not of the nature of a tax; it is merely a quantum meruit for a ſervice done; no perſon is compellable to pay the money, if he does not chuſe to receive the ſervice. A man may ſtill,

as

as before the act, ſend his letter by a ſervant, a ſpecial meſſenger, or a friend, if he thinks it cheaper and ſafer.

Q. But do they not conſider the regulations of the poſt-office, by the act of laſt year, as a tax?

A. By the regulations of laſt year the rate of poſtage was generally abated near thirty per cent. through all America; they certainly cannot conſider ſuch abatement as a tax.

Q. If an exciſe was laid by parliament, which they might likewiſe avoid paying, by not conſuming the articles exciſed, would they then not object to it?

A. They would certainly object to it, as an exciſe is unconnected with any ſervice done, and is merely an aid which they think ought to be aſked of them, and granted by them, if they are to pay it, and can be granted for them by no others whatſoever, whom they have not impowered for that purpoſe.

Q. You ſay they do not object to the right of parliament, in laying duties on goods to be paid on their importation; now, is there any kind of difference between a duty on the importation of goods, and an exciſe on their conſumption?

A. Yes; a very material one; an exciſe, for the reaſons I have juſt mentioned, they think you can have no right to lay within their country. But the ſea is yours; you maintain, by your fleets, the ſafety of navigation in it, and keep it clear of pirates; you may have therefore a natural and equitable right to ſome toll or duty on merchandizes carried through that part of your dominions, towards defraying the expence you are at in ſhips to maintain the ſafety of that carriage.

Q. Does this reaſoning hold in the caſe of a duty laid on the produce of their lands exported? And would they not object to ſuch a duty?

A. If it tended to make the produce ſo much dearer abroad as to leſſen the demand for it, to be ſure they would object to ſuch a duty; not to your right of laying it, but they would complain of it as a burthen, and petition you to lighten it.

Q. Is not the duty paid on the tobacco exported a duty of that kind?

A. That, I think, is only on tobacco carried coaſtwiſe from one colony to another, and appropriated as a fund for ſupporting the college at Williamſburgh in Virginia.

Q. Have

Q. Have not the aſſemblies in the Weſt-Indies the ſame natural rights with thoſe in North-America?

A. Undoubtedly.

Q. And is there not a tax laid there on their ſugars exported?

A. I am not much acquainted with the Weſt-Indies, but the duty of four and a half per cent on ſugars exported, was, I believe, granted by their own aſſemblies.

Q. How much is the poll-tax in your province laid on unmarried men?

A. It is, I think, fifteen ſhillings, to be paid by every ſingle freeman, upwards of twenty-one years old.

Q. What is the annual amount of all the taxes in Pennſylvania?

A. I ſuppoſe without 20,000 pounds ſterling.

Q. Suppoſing the ſtamp act continued, and enforced, do you imagine that ill-humour will induce the Americans to give as much for worſe manufactures of their own, and uſe them, preferably to better of ours?

A. Yes, I think ſo. People will pay as freely to gratify one paſſion as another, their reſentment as their pride.

Q. Would the people at Boſton diſcontinue their trade?

A. The merchants are a very ſmall number, compared with the body of the people, and muſt diſcontinue their trade, if nobody will buy their goods.

Q. What are the body of the people in the colonies?

A. They are farmers, huſbandmen or planters.

Q. Would they ſuffer the produce of their lands to rot?

A. No; but they would not raiſe ſo much. They would manufacture more, and plough leſs.

Q. Would they live without the adminiſtration of juſtice in civil matters, and ſuffer all the inconveniencies of ſuch a ſituation for any conſiderable time, rather than take the ſtamps, ſuppoſing the ſtamps were protected by a ſufficient force, where every one might have them?

A. I think the ſuppoſition impracticable, that the ſtamps ſhould be ſo protected as that every one might have them. The act requires ſub-diſtributors to be appointed in every county town, diſtrict and village, and they would be neceſſary. But the principal diſtributors, who were to have had a conſiderable profit on the whole, have not thought it worth while to continue in the office, and I think it impoſſible to find ſub-diſtributors fit to be truſted, who, for the trifling

profit

profit that must come to their share, would incur the odium, and run the hazard that would attend it; and if they could be found, I think it impracticable to protect the stamps in so many distant and remote places.

Q. But in places where they could be protected, would not the people use them rather than remain in such a situation, unable to obtain any right, or recover, by law, any debt?

A. It is hard to say what they would do. I can only judge what other people will think, and how they will act, by what I feel within myself. I have a great many debts due to me in America, and I had rather they should remain unrecoverable by any law, than submit to the stamp act. They will be debts of honour. It is my opinion the people will either continue in that situation, or find some way to extricate themselves, perhaps by generally agreeing to proceed in the courts without stamps.

Q. What do you think a sufficient military force to protect the distribution of the stamps in every part of America?

A. A very great force; I can't say what, if the disposition of America is for a general resistance.

Q. What is the number of men in America able to bear arms, or of disciplined militia?

A. There are, I suppose, at least—[Question objected to. He withdrew. Called in again.]

Q. Is the American stamp act an equal tax on that country?

A. I think not.

Q. Why so?

A. The greatest part of the money must arise from law-suits for the recovery of debts, and be paid by the lower sort of people, who were too poor easily to pay their debts. It is therefore a heavy tax on the poor, and a tax upon them for being poor.

Q. But will not this increase of expence be a means of lessening the number of law-suits?

A. I think not; for as the costs all fall upon the debtor, and are to be paid by him, they would be no discouragement to the creditor to bring his action.

Q. Would it not have the effect of excessive usury?

A. Yes, as an oppression of the debtor.

Q. How many ships are there laden annually in North-America with flax-seed for Ireland?

A. I cannot speak to the number of ships, but I know

that in 1752, 10,000 hogſheads of flax-ſeed, each containing ſeven buſhels, were exported from Philadelphia to Ireland. I ſuppoſe the quantity is greatly increaſed ſince that time; and it is underſtood that the exportation from New-York is equal to that from Philadelphia.

Q. What becomes of the flax that grows with that flax-ſeed?

A. They manufacture ſome into coarſe, and ſome into a middling kind of linen.

Q. Are there any ſlitting-mills in America?

A. I think there are three, but I believe only one at preſent employed. I ſuppoſe they will all be ſet to work, if the interruption of the trade continues.

Q. Are there any fulling-mills there?

A. A great many.

Q. Did you never hear that a great quantity of ſtockings were contracted for, for the army, during the war, and manufactured in Philadelphia?

A. I have heard ſo.

Q. If the ſtamp act ſhould be repealed, would not the Americans think they could oblige the parliament to repeal every external tax-law now in force?

A. It is hard to anſwer queſtions of what people at ſuch a diſtance will think.

Q. But what do you imagine they will think were the motives of repealing the act?

A. I ſuppoſe they will think that it was repealed from a conviction of its inexpediency; and they will rely upon it, that while the ſame inexpediency ſubſiſts, you will never attempt to make ſuch another.

Q. What do you mean by its inexpediency?

A. I mean its inexpediency on ſeveral accounts; the poverty and inability of thoſe who were to pay the tax; the general diſcontent it has occaſioned; and the impracticability of enforcing it.

Q. If the act ſhould be repealed, and the legiſlature ſhould ſhew its reſentment to the oppoſers of the ſtamp act, would the colonies acquieſce in the authority of the legiſlature? What is your opinion they would do?

A. I don't doubt at all, that if the legiſlature repeal the ſtamp act, the colonies will acquieſce in the authority.

Q. But if the legiſlature ſhould think fit to aſcertain its right to lay taxes, by any act laying a ſmall tax, contrary to their opinion, would they ſubmit to pay the tax?

A. The

A. The proceedings of the people in America have been conſidered too much together. The proceedings of the aſſemblies have been very different from thoſe of the mobs, and ſhould be diſtinguiſhed, as having no connection with each other. The aſſemblies have only peaceably reſolved what they take to be their rights; they have taken no meaſures for oppoſition by force; they have not built a fort, raiſed a man, or provided a grain of ammunition, in order to ſuch oppoſition. The ringleaders of riots they think ought to be puniſhed; they would puniſh them themſelves, if they could. Every ſober, ſenſible man would wiſh to ſee rioters puniſhed, as otherwiſe peaceable people have no ſecurity of perſon or eſtate. But as to an internal tax, how ſmall ſoever, laid by the legiſlature here on the people there, while they have no repreſentatives in this legiſlature, I think it will never be ſubmitted to.—They will oppoſe it to the laſt: —They do not conſider it as at all neceſſary for you to raiſe money on them by your taxes, becauſe they are, and always have been, ready to raiſe money by taxes among themſelves, and to grant large ſums, equal to their abilities, upon requiſition from the crown. They have not only granted equal to their abilities, but, during all the laſt war, they granted far beyond their abilities, and beyond their proportion with this country, you yourſelves being judges, to the amount of many hundred thouſand pounds, and this they did freely and readily, only on a ſort of promiſe from the ſecretary of ſtate, that it ſhould be recommended to parliament to make them compenſation. It was accordingly recommended to parliament, in the moſt honourable manner, for them. America has been greatly miſrepreſented and abuſed here, in papers, pamphlets, and ſpeeches, as ungrateful, and unreaſonable, and unjuſt, in having put this nation to immenſe expence for their defence, and refuſing to bear any part of that expence. The colonies raiſed, paid, and clothed, near 25000 men during the laſt war, a number equal to thoſe ſent from Britain, and far beyond their proportion; they went deeply into debt in doing this, and all their taxes and eſtates are mortgaged, for many years to come, for diſcharging that debt. Government here was at that time very ſenſible of this. The colonies were recommended to parliament. Every year the king ſent down to the houſe a written meſſage to this purpoſe, That his Majeſty, being highly ſenſible of the zeal and vigour with which his faithful ſub-

jects in North-America had exerted themſelves, in defence of his Majeſty's juſt rights and poſſeſſions, recommended it to the houſe to take the ſame into conſideration, and enable them to give them a proper compenſation. You will find thoſe meſſages on your own journals every year of the war to the very laſt, and you did accordingly give 200,000 pounds annually to the crown, to be diſtributed in ſuch compenſation to the colonies. This is the ſtrongeſt of all proofs that the colonies, far from being unwilling to bear a ſhare of the burthen, did exceed their proportion; for if they had done leſs, or had only equalled their proportion, there would have been no room or reaſon for compenſation. Indeed the ſums reimburſed them, were by no means adequate to the expence they incurred beyond their proportion; but they never murmured at that, they eſteemed their ſovereign's approbation of their zeal and fidelity, and the approbation of this houſe, far beyond any other kind of compenſation; therefore there was no occaſion for this act, to force money from a willing people; they had not refuſed giving money for the purpoſes of the act; no requiſition had been made; they were always willing and ready to do what could reaſonably be expected from them, and in this light they wiſh to be conſidered.

Q. But ſuppoſe Great-Britain ſhould be engaged in a war in Europe, would North-America contribute to the ſupport of it?

A. I do think they would, as far as their circumſtances would permit. They conſider themſelves as a part of the Britiſh empire, and as having one common intereſt with it; they may be looked on here as foreigners, but they do not conſider themſelves as ſuch. They are zealous for the honour and proſperity of this nation, and, while they are well uſed, will always be ready to ſupport it, as far as their little power goes. In 1739 they were called upon to aſſiſt in the expedition againſt Carthagena, and they ſent 3000 men to join your army. It is true Carthagena is in America, but as remote from the Northern colonies as if it had been in Europe. They make no diſtinction of wars, as to their duty of aſſiſting in them. I know the laſt war is commonly ſpoke of here as entered into for the defence, or for the ſake of the people of America. I think it is quite miſunderſtood. It began about the limits between Canada and Nova-Scotia, about territories to which the crown indeed laid claim, but were not claimed by any Britiſh colony; none of

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the lands had been granted to any coloniſt; we had therefore no particular concern or intereſt in that diſpute. As to the Ohio, the conteſt there began about your right of trading in the Indian country, a right you had by the treaty of Utrecht, which the French infringed; they ſeized the traders and their goods, which were your manufactures; they took a fort which a company of your merchants, and their factors and correſpondents, had erected there, to ſecure their trade. Braddock was ſent with an army to re-take that fort (which was looked on here as another incroachment on the King's territory) and to protect your trade. It was not till after his defeat that the colonies were attacked. They were before in perfect peace with both French and Indians; the troops were not therefore ſent for their defence. The trade with the Indians, though carried on in America, is not an American intereſt. The people of America are chiefly farmers and planters; ſcarce any thing that they raiſe or produce is an article of commerce with the Indians. The Indian trade is a Britiſh intereſt; it is carried on with Britiſh manufactures, for the profit of Britiſh merchants and manufacturers; therefore the war, as it commenced for the defence of territories of the crown, the property of no American, and for the defence of a trade purely Britiſh, was really a Britiſh war—and yet the people of America made no ſcruple of contributing their utmoſt towards carrying it on, and bringing it to a happy concluſion.

Q. Do you think then that the taking poſſeſſion of the King's territorial rights, and ſtrengthening the frontiers, is not an American intereſt?

A. Not particularly, but conjointly a Britiſh and an American intereſt.

Q. You will not deny that the preceding war, the war with Spain, was entered into for the ſake of America; was it not occaſioned by captures made in the American ſeas?

A. Yes; captures of ſhips carrying on the Britiſh trade there, with Britiſh manufactures.

Q. Was not the late war with the Indians, ſince the peace with France, a war for America only?

A. Yes; it was more particularly for America than the former, but it was rather a conſequence or remains of the former war, the Indians not having been thoroughly pacified, and the Americans bore by much the greateſt ſhare of the expence. It was put an end to by the army under General

Bouquet; there were not above 300 regulars in that army, and above 1000 Pennſylvanians.

Q. Is it not neceſſary to ſend troops to America, to defend the Americans againſt the Indians?

A. No, by no means; it never was neceſſary. They defended themſelves when they were but an handful, and the Indians much more numerous. They continually gained ground, and have driven the Indians over the mountains, without any troops ſent to their aſſiſtance from this country. And can it be thought neceſſary now to ſend troops for their defence from thoſe diminiſhed Indian tribes, when the colonies are become ſo populous, and ſo ſtrong? There is not the leaſt occaſion for it; they are very able to defend themſelves.

Q. Do you ſay there were no more than 300 regular troops employed in the late Indian war?

A. Not on the Ohio, or the frontiers of Pennſylvania, which was the chief part of the war that affected the colonies. There were garriſons at Niagara, Fort Detroit, and thoſe remote poſts kept for the ſake of your trade; I did not reckon them, but I believe that on the whole, the number of Americans, or provincial troops, employed in the war, was greater than that of the regulars. I am not certain, but I think ſo.

Q. Do you think the aſſemblies have a right to levy money on the ſubject there, to grant to the crown?

A. I certainly think ſo; they have always done it.

Q. Are they acquainted with the declaration of rights? And do they know that, by that ſtatute, money is not to be raiſed on the ſubject but by conſent of parliament?

A. They are very well acquainted with it.

Q. How then can they think they have a right to levy money for the crown, or for any other than local purpoſes?

A. They underſtand that clauſe to relate to ſubjects only within the realm; that no money can be levied on them for the crown, but by conſent of parliament. The colonies are not ſuppoſed to be within the realm; they have aſſemblies of their own, which are their parliaments, and they are, in that reſpect, in the ſame ſituation with Ireland. When money is to be raiſed for the crown upon the ſubject in Ireland, or in the colonies, the conſent is given in the parliament of Ireland, or in the aſſemblies of the colonies. They think the parliament of Great-Britain cannot properly give

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that conſent till it has repreſentatives from America; for the petition of rights expreſsly ſays, it is to be by common conſent in parliament, and the people of America have no repreſentatives in parliament, to make a part of that common conſent.

Q. If the ſtamp-act ſhould be repealed, and an act ſhould paſs, ordering the aſſemblies of the colonies to indemnify the ſufferers by the riots, would they obey it?

A. That is a queſtion I cannot anſwer.

Q. Suppoſe the King ſhould require the colonies to grant a revenue, and the parliament ſhould be againſt their doing it, do they think they can grant a revenue to the King, without the conſent of the parliament of Great-Britain?

A. That is a deep queſtion.—As to my own opinion, I ſhould think myſelf at liberty to do it, and ſhould do it, if I liked the occaſion.

Q. When money has been raiſed in the colonies, upon requiſitions, has it not been granted to the King?

A. Yes, always; but the requiſitions have generally been for ſome ſervice expreſſed, as to raiſe, clothe and pay troops, and not for money only.

Q. If the act ſhould paſs, requiring the American aſſemblies to make compenſation to the ſufferers, and they ſhould diſobey it, and then the parliament ſhould by another act, lay an internal tax, would they then obey it?

A. The people will pay no internal tax; and I think an act to oblige the aſſemblies to make compenſation is unneceſſary, for I am of opinion, that as ſoon as the preſent heats are abated, they will take the matter into conſideration, and if it is right to be done, they will do it of themſelves.

Q. Do not letters often come into the poſt-offices in America, directed to ſome inland town where no poſt goes?

A. Yes.

Q. Can any private perſon take up thoſe letters, and carry them as directed?

A. Yes; any friend of the perſon may do it, paying the poſtage that has accrued.

Q. But muſt he not pay an additional poſtage for the diſtance to ſuch inland town?

A. No.

Q. Can the poſt-maſter anſwer delivering the letter, without being paid ſuch additional poſtage?

A. Certainly he can demand nothing, where he does no ſervice.

Q. Suppoſe a perſon, being far from home, finds a letter in a poſt-office directed to him, and he lives in a place to which the poſt generally goes, and the letter is directed to that place, will the poſt-maſter deliver him the letter, without his paying the poſtage receivable at the place to which the letter is directed.

A. Yes; the office cannot demand poſtage for a letter that it does not carry, or farther than it does carry it.

Q. Are not ferrymen in America obliged, by act of parliament, to carry over the poſts without pay?

A. Yes.

Q. Is not this a tax on the ferrymen?

A. They do not conſider it as ſuch, as they have an advantage from perſons travelling with the poſt.

Q. If the ſtamp-act ſhould be repealed, and the crown ſhould make a requiſition to the colonies for a ſum of money, would they grant it?

A. I believe they would.

Q. Why do you think ſo?

A. I can ſpeak for the colony I live in; I had it in inſtruction from the aſſembly to aſſure the miniſtry, that as they always had done, ſo they ſhould always think it their duty to grant ſuch aids to the crown as were ſuitable to their circumſtances and abilities, whenever called upon for the purpoſe, in the uſual conſtitutional manner; and I had the honour of communicating this inſtruction to that honourable gentleman then miniſter.

Q. Would they do this for a Britiſh concern; as ſuppoſe a war in ſome part of Europe, that did not affect them?

A. Yes, for any thing that concerned the general intereſt. They conſider themſelves as a part of the whole.

Q. What is the uſual conſtitutional manner of calling on the colonies for aids?

A. A letter from the ſecretary of ſtate.

Q. Is this all you mean, a letter from the ſecretary of ſtate?

A. I mean the uſual way of requiſition, in a circular letter from the ſecretary of ſtate, by his Majeſty's command, reciting the occaſion, and recommending it to the colonies to grant ſuch aids as became their loyalty, and were ſuitable to their abilities.

Q. Did the ſecretary of ſtate ever write for money for the crown?

A. The

A. The requiſitions have been to raiſe, clothe and pay men, which cannot be done without money.

Q. Would they grant money alone, if called on?

A. In my opinion they would, money as well as men, when they have money, or can make it.

Q. If the parliament ſhould repeal the ſtamp-act, will the aſſembly of Pennſylvania reſcind their reſolutions?

A. I think not.

Q. Before there was any thought of the ſtamp-act, did they wiſh for a repreſentation in parliament?

A. No.

Q. Don't you know that there is, in the Pennſylvania charter, an expreſs reſervation of the right of parliament to lay taxes there?

A. I know there is a clauſe in the charter, by which the King grants that he will levy no taxes on the inhabitants, unleſs it be with the conſent of the aſſembly, or by act of parliament.

Q. How then could the aſſembly of Pennſylvania aſſert, that laying a tax on them by the ſtamp-act was an infringement of their rights?

A. They underſtand it thus; by the ſame charter, and otherwiſe, they are intitled to all the privileges and liberties of Engliſhmen; they find in the great charters, and the petition and declaration of rights, that one of the privileges of Engliſh ſubjects is, that they are not to be taxed but by their common conſent; they have therefore relied upon it, from the firſt ſettlement of the province, that the parliament never would, nor could, by colour of that clauſe in the charter, aſſume a right of taxing them, till it had qualified itſelf to exerciſe ſuch right by admitting repreſentatives from the people to be taxed, who ought to make a part of that common conſent.

Q. Are there any words in the charter that juſtify that conſtruction?

A. The common rights of Engliſhmen, as declared by Magna Charta, and the petition of right, all juſtify it.

Q. Does the diſtinction between internal and external taxes exiſt in the words of the charter?

A. No, I believe not.

Q. Then may they not, by the ſame interpretation, object to the parliament's right of external taxation?

A. They

A. They never have hitherto. Many arguments have been lately uſed here to ſhew them that there is no difference, and that if you have no right to tax them internally, you have none to tax them externally, or make any other law to bind them. At preſent they do not reaſon ſo, but in time they may poſſibly be convinced by theſe arguments.

Q. Do not the reſolutions of the Pennſylvania aſſembly ſay all taxes?

A. If they do, they mean only internal taxes; the ſame words have not always the ſame meaning here and in the colonies. By taxes they mean internal taxes; by duties they mean cuſtoms; theſe are their ideas of the language.

Q. Have you not ſeen the reſolutions of the Maſſachuſet's Bay aſſembly?

A. I have.

Q. Do they not ſay, that neither external nor internal taxes can be laid on them by parliament?

A. I don't know that they do; I believe not.

Q. If the ſame colony ſhould ſay neither tax nor impoſition could be laid, does not that province hold the power of parliament can lay neither?

A. I ſuppoſe that by the word impoſition, they do not intend to expreſs duties to be laid on goods imported, as regulations of commerce.

Q. What can the colonies mean then by impoſition as diſtinct from taxes?

A. They may mean many things, as impreſſing of men, or of carriages, quartering troops on private houſes, and the like; there may be great impoſitions that are not properly taxes.

Q. Is not the poſt-office rate an internal tax laid by act of parliament?

A. I have anſwered that.

Q. Are all parts of the colonies equally able to pay taxes?

A. No, certainly; the frontier parts, which have been ravaged by the enemy, are greatly diſabled by that means, and therefore, in ſuch caſes, are uſually favoured in our tax-laws.

Q. Can we, at this diſtance, be competent judges of what favours are neceſſary?

A. The parliament have ſuppoſed it, by claiming a right to make tax-laws for America; I think it impoſſible.

Q. Would

Q. Would the repeal of the ſtamp-act be any diſcouragement of your manufacturers? Will the people that have begun to manufacture decline it?

A. Yes, I think they will; eſpecially if, at the ſame time, the trade is opened again, ſo the remittances can be eaſily made. I have known ſeveral inſtances that make it probable. In the war before laſt, tobacco being low, and making little remittance, the people of Virginia went generally into family manufactures. Afterwards, when tobacco bore a better price, they returned to the uſe of Britiſh manufactures. So fulling-mills were very much diſuſed in the laſt war in Pennſylvania, becauſe bills were then plenty, and remittances could eaſily be made to Britain for Engliſh cloth and other goods.

Q. If the ſtamp-act ſhould be repealed, would it induce the aſſemblies of America to acknowledge the rights of parliament to tax them, and would they eraſe their reſolutions?

A. No, never.

Q. Is there no means of obliging them to eraſe thoſe reſolutions?

A. None that I know of; they will never do it, unleſs compelled by force of arms.

Q. Is there a power on earth that can force them to eraſe them?

A. No power, how great ſoever, can force men to change their opinions.

Q. Do they conſider the poſt-office as a tax, or as a regulation?

A. Not as a tax, but as a regulation and conveniency; every aſſembly encouraged it, and ſupported it in its infancy, by grants of money, which they would not otherwiſe have done; and the people have always paid the poſtage.

Q. When did you receive the inſtructions you mentioned?

A. I brought them with me, when I came to England, about fifteen months ſince.

Q. When did you communicate that inſtruction to the miniſter?

A. Soon after my arrival, while the ſtamping of America was under conſideration, and before the bill was brought in.

Q. Would it be moſt for the intereſt of Great Britain, to employ the hands of Virginia in tobacco, or in manufactures.

A. In tobacco, to be ſure.

Q. What uſed to be the pride of the Americans?

A. To

A. To indulge in the faſhions and manufactures of Great Britain.

Q. What is now their pride?

A. To wear their old cloths over again, till they can make new ones.

*(Withdrew.)*

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The bill to repeal the ſtamp-act having paſſed the Commons, was brought to the Lords; whoſe houſe it paſſed alſo. But the following proteſts were entered againſt it.

*Die Merc.* 10. *Martii*, 1766.

The order of the day being read for the ſecond reading of the bill, entituled, "An Act to repeal an Act made in the laſt ſeſſion of Parliament, entituled, An Act for granting and applying certain Stamp-Duties and other duties in the Britiſh Colonies and Plantations in America, towards further defraying the expences of defending, protecting, and ſecuring the ſame, and for amending ſuch parts of the ſeveral acts of parliament relating to the Trade and Revenues of the ſaid Colonies and Plantations, as direct the manner of Determining and recovering the Penalties and Forfeitures therein-mentioned." Then the ſaid Bill was read a ſecond Time, and it being propoſed to commit the Bill, the ſame was objected to. After a long Debate thereupon, the Queſtion was put, Whether the ſaid Bill ſhall be committed: It was reſolved in the affirmative.

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*Diſſentient,*

1ſt, Becauſe, as this houſe has in this ſeſſion by ſeveral reſolutions moſt ſolemnly aſſerted and declared, firſt, "That the King's Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons of Great Britain, in Parliament aſſembled, had, hath, and of right ought to have, full power and authority, to make laws and ſtatutes of ſufficient force and validity to bind the Colonies, and people of America, ſubjects of the Crown of Great Britain, in all caſes whatſoever:" Secondly, "That tumults and

and insurrections of the most dangerous nature have been raised and carried on in several of the North American Colonies, in open defiance of the power and dignity of his Majesty's Government, and in manifest violation of the laws and legislative authority of this Kingdom:" Thirdly, "That the said tumults and insurrections have been encouraged and inflamed, by sundry votes and resolutions passed in several of the Assemblies of the said Provinces, derogatory to the honour of his Majesty's Government, and destructive of the legal and constitutional dependency of the said Colonies, on the imperial Crown and Parliament of Great Britain:" Which resolutions were founded on a full examination of the papers on our table, manifesting a denial of the legislative authority of the crown and parliament of Great Britain, to impose duties and taxes on our North American Colonies; and a criminal resistance there made to the execution of the commercial and other regulations of the stamp-act, and of other acts of parliament: we are of opinion, that the total repealing of that law, especially while such resistance continues, would (as Governor Barnard says is their intention) "make the authority of Great Britain contemptible hereafter; and that such a submission of King, Lords, and Commons, under such circumstances, in so strange and unheard of a contest, would, in effect, surrender their antient, unalienable rights of supreme jurisdiction, and give them exclusively to the subordinate provincial legislatures established by prerogative; which was never intended or thought of, and is not in the power of prerogative to bestow; as they are inseparable from the three estates of the realm assembled in parliament.

2dly, Because the law, which this bill now proposes to repeal, was passed in the other house with very little opposition, and in this without one dissentient voice, during the last session of parliament, which we presume, if it had been wholly and fundamentally wrong, could not possibly have happened; as the matter of it is so important, and as the intention of bringing it in, had been communicated to the commons by the first commissioner of the treasury the year before, and a resolution, relating and preparatory to it, was then agreed to in that house, without any division.

3dly, Because, if any particular parts of that law, the principal of which has been experienced and submitted to in this country, without repining, for near a century past, had been found liable to just and reasonable objections, they might

might have been altered by a bill to explain and amend it, without repealing the whole. And, if any ſuch bill had been ſent to us by the commons, we ſhould have thought it our duty to have given it a moſt ſerious conſideration, with a warm deſire of relieving our countrymen in America from any grievance or hardſhip; but with proper care to enforce their ſubmiſſion and obedience to the law ſo amended, and to the whole legiſlative authority of Great Britain, without any reſerve or diſtinction whatſoever.

4thly, Becauſe, it appears to us, that a moſt eſſential branch of that authority, the power of taxation, cannot be properly, equitably, or impartially exerciſed, if it does not extend itſelf to all the members of the ſtate in proportion to their reſpective abilities; but ſuffers a part to be exempt from a due ſhare of thoſe burthens, which the public exigencies require to be impoſed upon the whole: a partiality which is directly and manifeſtly repugnant to the truſt repoſed by the people in every legiſlature, and deſtructive of that confidence on which all government is founded.

5thly, Becauſe, the ability of our North-American Colonies, to bear without inconveniency the proportion laid on them by the ſtamp-act of laſt year, appears to us moſt unqueſtionable, for the following reaſons: Firſt, That the eſtimated produce of this tax, amounting to ſixty thouſand pounds *per annum*, if divided amongſt twelve hundred thouſand people (being little more than one half of the ſubjects of the crown in North America) would be only one ſhilling per head a year; which is but a third of the wages uſually paid to every labourer or manufacturer there for one day's labour: Secondly, That it appears by the accounts that have been laid before this houſe from the commiſſioners of trade and plantations, that of the debt contracted by thoſe colonies in the laſt war, above £1,755,000, has already been diſcharged during the courſe of three years only, by the funds provided for that purpoſe in the ſeveral provinces; and the much greater part of the remaining incumbrance, which in the whole is about 760,000 pounds, will be paid in two years more: We muſt likewiſe obſerve, that the bounties and advantages given to them by parliament in 1764 and 1765, and the duties thereby loſt to Great Britain for their ſervice, and in order to enable them the more eaſily to pay this tax, muſt neceſſarily amount in a few years to a far greater ſum than the produce thereof. It is alſo evident,

that

hat ſuch produce being wholly appropriated to the payment f the army maintained by this kingdom in our colonies, at he vaſt expence of almoſt a ſhilling in the pound land tax, nnually remitted by us for their ſpecial defence and protec- ion; not only no money would have been actually drawn y it out of that country, but the eaſe given by it to the eople of Great Britain, who are labouring under a debt f ſeventy millions, contracted by them to ſupport a very angerous war, entered into for the intereſt and ſecurity of hoſe colonies, would have redounded to the benefit of the olonies themſelves in their own immediate ſafety, by con- ributing to deliver them from the neceſſary expence, which nany of them have hitherto always borne, in guarding their rontiers againſt the ſavage Indians.

6thly, Becauſe, not only the right, but the expediency nd neceſſity of the ſupreme legiſlature's exerting its autho- ity to lay a general tax on our American colonies, when- ver the wants of the public make it fitting and reaſonable hat all the provinces ſhould contribute in a proper propor- ion to the defence of the whole, appear to us undeniable, rom theſe conſiderations; Firſt, That every province being eparate and independent on the others, and having no com- non council impowered by the conſtitution of the colonies to ct for all, or bind all, ſuch a tax cannot regularly, or with- out infinite difficulty, be impoſed upon them, at any time, ven for their immediate defence or protection, by their own rovincial aſſemblies; but requires the intervention and ſu- perintending power of the parliament of Great Britain. Se- condly, That in looking forwards to the poſſible contingency f a new war, a contingency perhaps not far remote, the roſpect of the burthens, which the gentry and people of his kingdom muſt then ſuſtain, in addition to thoſe which now lie ſo heavy upon them, is ſo melancholy and dreadful, hat we cannot but feel it, a moſt indiſpenſible duty, to eaſe hem as much as poſſible, by a due and moderate exertion f that great right, which the conſtitution of this realm has veſted in the parliament, to provide for the ſafety of all, by a proportionable charge upon all, equally and indifferently aid. We likewiſe apprehend, that a partial exemption of our colonies from any exerciſe of this right by the Britiſh egiſlature, would be thought ſo invidious, and ſo unjuſt to he other ſubjects of the crown of Great-Britain, as to alie- nate the hearts of theſe from their countrymen reſiding in America,

America, to the great detriment of the latter, who have on many occaſions received, and may again want aſſiſtance, from the generous warmth of their affection.

7thly, Becauſe, the reaſons aſſigned in the public reſolutions of the provincial aſſemblies, in the North-American colonies, for their diſobeying the ſtamp-act, viz. "That they are not repreſented in the Parliament of Great Britain," extends to all other laws, of what nature ſoever, which that parliament has enacted, or ſhall enact, to bind them in times to come, and muſt (if admitted) ſet them abſolutely free from any obedience to the power of the Britiſh legiſlature. We likewiſe obſerve, that in a letter to Mr. Secretary Conway, dated the 12th of October 1765; the commander in chief of his Majeſty's forces in North-America has declared his opinion, "That the queſtion is not of the inexpediency of the ſtamp-act, or of the inability of the colonies to pay the tax; but that it is unconſtitutional and contrary to their rights, ſupporting the independency of the provinces, and not ſubject to the legiſlative power of Great Britain." It is moreover affirmed, in a letter to Mr. Conway, dated the 7th November, "That the people in general are averſe to taxes of any kind; and that the merchants of that place think they have a right to every freedom of trade which the ſubjects of Great Britain enjoy." This opinion of theirs ſtrikes directly at the Act of Navigation, and other ſubſequent laws, which from time to time have been made in the wiſe policy of that act; and ſhould they ever be encouraged to procure for themſelves that abſolute freedom of trade, which they appear to deſire, our plantations would become, not only of no benefit, but in the higheſt degree prejudicial to the commerce and welfare of their mother-country; nor is it eaſy to conceive a greater encouragement, than the repealing of a law, oppoſed by them on ſuch principles, and with ſo much contempt of the ſovereignty of the Britiſh legiſlature.

8thly, Becauſe, the appearance of weakneſs and timidity in the government and parliament of this kingdom, which a conceſſion of this nature may too probably carry with it, has a manifeſt tendency to draw on further inſults, and by leſſening the reſpect of all his Majeſty's ſubjects to the dignity of his crown, and authority of his law, throw the whole Britiſh empire into a miſerable ſtate of confuſion and anarchy, with which it ſeems by many ſymptoms to be dangerouſly

ouſly threatened: and this is the more to be feared, as the plea of our North American colonies, that, not being repreſented in the parliament of Great Britain, they ought not to pay taxes impoſed or levied upon them by the authority thereof, may by the ſame reaſoning be extended to all perſons in this iſland, who do not actually vote for members of parliament; nor can we help apprehending, that the opinion of ſome countenance being given to ſuch notions by the legiſlature itſelf, in conſenting to this bill for the repeal of the ſtamp-act, may greatly promote the contagion of a moſt dangerous doctrine, deſtructive to all government, which has ſpread itſelf over all our North-American colonies, that the obedience of the ſubject is not due to the laws and legiſlature of the realm, farther than he in his private judgment ſhall think it conformable to the ideas he has formed of a free conſtitution.

9thly, Becauſe, we think it no effectual guard, or ſecurity, againſt this danger, that the parliament has declared in the reſolutions of both houſes, paſſed during this ſeſſion, and now reduced into a bill, That ſuch notions are ill founded; as men will always look more to deeds than words, and may therefore incline to believe, that the inſurrection in our colonies, excited by thoſe notions, having ſo far proved ſucceſsful, as to attain the very point, at which they aimed, the immediate repeal of the ſtamp-act, without any previous ſubmiſſion on the part of the colonies, the legiſlature has in fact ſubmitted to them, and has only more grievouſly injured its own dignity and authority, by verbally aſſerting that right, which it ſubſtantially yields up to their oppoſition. The reaſons aſſigned for this conceſſion render it ſtill more alarming, as they ariſe from an illegal and hoſtile combination of the people of America, to diſtreſs and ſtarve our manufacturers, and to with-hold from our merchants the payment of their juſt debts: the former of which meaſures has only been practiſed in open war between two ſtates; the latter, we believe, not even in that ſituation, either by the public or by individuals, among the civilized nations of Europe, in modern times. If this unprecedented plan of intimidation ſhall meet with ſucceſs, it is eaſy to foreſee, that the practice of it for other and ſtill greater objects will frequently be renewed, and our manufacturers and merchants reduced to the like, and more permanent diſtreſs: we cannot therefore but wiſh, that ſome more eligible me-

thod, conſiſtent with their future ſafety and our dignity, had been taken by parliament, to ſhew our tender concern and compaſſion for their ſufferings, and to diſcourage any other ſuch unwarrantable attempts; which we are fully perſuaded would have been very practicable, with due care and attention, and at an expence very inferior to the importance of the object.

Laſtly, Becauſe, we are convinced from the unanimous teſtimony of the governors, and other officers of the crown in America, that if, by a moſt unhappy delay and neglect to provide for the due execution of the law, and arm the government there with proper orders and powers, repeatedly called for in vain, theſe diſturbances had not been continued and encreaſed, they might eaſily have been quieted before they had attained to any dangerous height; and we cannot, without feeling the moſt lively ſenſe of grief and indignation, hear arguments drawn from the progreſs of evils, which ſhould and might have been ſtopped in their firſt and feeble beginnings, uſed for the ſtill greater evil of ſacrificing to a preſent relief the higheſt permanent intereſts, and the whole majeſty, power, and reputation of government: This afflicts us the more deeply, becauſe it appears from many letters, that this law, if properly ſupported by government, would from the peculiar circumſtances attending the diſobedience to it, execute itſelf without bloodſhed. And it is ſaid in one of the letters to Mr. Secretary Conway, "That the principal view is to intimidate the parliament; but that if it be thought prudent to enforce their authority, the people dare not oppoſe a vigorous reſolution of the parliament of Great-Britain." That vigorous reſolution has not yet been found in the parliament; and we greatly fear, that the want of it will certainly produce one of theſe two fatal conſequences; either that the repeal of this law will in effect annul and abrogate all other laws and ſtatutes relating to our colonies, and particularly the acts that reſtrain or limit their commerce, of which they are moſt impatient; or, if we ſhould hereafter attempt to enforce the execution of thoſe laws againſt their will, and by virtue of an authority, which they have dared to inſult with impunity and ſucceſs, that endeavour will bring upon us all thoſe evils and inconveniences, to the fear of which we now ſacrifice the ſovereignty of the realm; and this at a time when the ſtrength of our colonies, as well as their deſire of a total independence on

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the legiſlature and government of their mother-country, may be greatly augmented, and when the circumſtances and diſpoſitions of the other powers of Europe, may render the conteſt far more dangerous and formidable to this kingdom.

BEDFORD
COVENTRY
BRIDGEWATER
TEMPLE
BUCKINGHAM
WENTWORTH
SANDWICH
BOLINGBROKE
MARLBOROUGH
W. GLOUCESTER
KER
LEIGH
BANGOR
WALDEGRAVE
AYLESFORD
GOWER
WEYMOUTH
SCARSDALE
LYTTELTON
DUNK HALLIFAX
EGLINGTON
SUFFOLK and BERKSHIRE
ABERCORN
VERE
TREVOR
THOMAS BRISTOL
FERRERS
GROSVENOR
TOWNSHEND
DUDLEY and WARD
CHARLES CARLISLE
POWIS
HYDE

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*Die Lunæ*, 17° *Martii*, 1766.

The Order of the Day being read for the third reading of the Bill, entituled, 'An Act to repeal an Act made in the laſt Seſſion of Parliament,' entituled, 'An Act for granting and applying certain Stamp Duties, and other Duties in the Britiſh Colonies and Plantations in America, towards further defraying the Expences of defending, protecting, and ſecuring the ſame, and for amending ſuch Parts of the ſeveral Acts of Parliament relating to the Trade and Revenues of the ſaid Colonies and Plantations, as direct the Manner of determining and recovering the Penalties and Forfeitures therein mentioned.' Then the ſaid Bill was read a third Time, and it being propoſed to paſs the Bill, the ſame was objected to. After ſome Debate thereupon, the Queſtion was put, Whether the ſaid Bill ſhall paſs: It was reſolved in the Affirmative.

*Diſſentient*,

1ſt. Becauſe we think, that the declaratory bill we paſt laſt week, cannot poſſibly obviate the growing miſchiefs in

America, where it may ſeem calculated only to deceive the people of Great-Britain, by holding forth a deluſive and nugatory affirmance of the legiſlative right of this kingdom, whilſt the enacting part of it does no more than abrogate the reſolutions in the North-American colonies, which have not in themſelves the leaſt colour of authority; and declares that, which is apparently and certainly criminal, only null and void.

2dly. Becauſe the particular objections, which have been made to the ſtamp-act in North-America, and which have been adopted in the courſe of Debates upon this bill for repealing it, are in fact contradicted by undeniable evidence upon our table; it having been urged, firſt, That all the money to be collected by this tax was to be annually remitted hither, and that the North-American colonies would thereby be drained of all their ſpecie; and ſecondly, That the inſtitution of vice-admiralty courts in thoſe colonies, for the recovery of penalties upon revenue laws without juries, is a novel practice, by means of which his Majeſty's ſubjects in thoſe dominions, 'would be deprived of one of their moſt valuable liberties, trials by juries, and in this reſpect diſtinguiſhed from their fellow ſubjects in Great-Britain;' and would likewiſe be liable to the greateſt inconvenience, vexation and injuſtice, through the option left to any proſecutor to call them from one end of that extenſive continent to the other; and through the temptation to the judge, to condemn rather than to acquit, from his being paid by poundage of the condemnation-money: whereas, with regard to the firſt of theſe objections, it appears by the minute of the late board of treaſury laid before this houſe, and dated on the 9th day of July laſt, that the fulleſt directions had been ſent to the ſeveral officers of the revenue, 'that in order to obviate the inconvenience of bringing into this kingdom the money to be raiſed by the ſtamp-duties, all the produce of the American duties ariſing or to ariſe, by virtue of any Britiſh act of parliament, ſhould, from time to time, be paid to the deputy pay-maſter *in America*, to defray the ſubſiſtence of the troops, and any military expences incurred in the colonies:' and with regard to the ſecond objection, it is manifeſt, from ſundry acts of parliament, that a juriſdiction has been aſſigned to the judges of thoſe courts, for the recovery of the penalties upon the laws of revenue and of trade, without juries, for near a century paſt,

paſt, from the conſideration (as we apprehend) that in ſome of the colonies they are the only judges not elected by the people: and ſo far is it from being true, that the ſubjects in North-America, by being deprived in theſe caſes of trials by juries, were in that reſpect diſtinguiſhed from their fellow ſubjects in Great-Britain; that, in this very inſtance of the ſtamp-duties, the penalties, which by the American ſtamp act were made recoverable alſo without a jury before a judge of the vice-admiralty court, are, by the laws now in force for collecting the ſtamp duties in Great-Britain, recoverable alſo without a jury, before two juſtices of the peace, with the like powers in both caſes, which we earneſtly wiſh were not ſtill more neceſſary for the collection of the public revenue in America than in Great-Britain; and which we ſhould be moſt deſirous, if poſſible, to alleviate in both countries: with this view, and to take away all juſt occaſion for diſcontent, we were very glad to find by the repreſentation from the late commiſſioners of the treaſury to his Majeſty in council, dated on tbe 4th day of July laſt, that the ſtricteſt attention had been given by that board to prevent the inconvenience and injuſtice above-mentioned, by a plan to eſtabliſh three different courts of vice-admiralty at the moſt convenient places, with proper diſtricts annexed to each; and to give the judges ſufficient and honourable ſalaries in lieu of all poundage and fees whatſoever: but we cannot obſerve, without the higheſt concern and ſurprize, that this repreſentation, founded upon a clauſe inſerted in the ſtamp act for this very purpoſe, and expreſsly calculated to relieve his Majeſty's ſubjects in North-America from many unneceſſary hardſhips and oppreſſions, to which they are now liable by many other laws ſtill ſubſiſting, ſhould be totally diſregarded for ſeveral months, and be ſuffered to remain unexecuted in every part of it even to this day; and that no notice whatever ſhould be taken, in any of the diſpatches from the preſent adminiſtration to the governors of the colonies in North-America, of the timely care which had been employed to obviate the objections raiſed on both thoſe heads: eſpecially, as it is notorious, that the meaſures to be purſued, in conſequence of that minute and repreſentation, had been fully opened and approved in parliament, at the time when the ſtamp act was produced; and as the total neglect of it has given occaſion to great clamour and diſſatisfaction in the colonies. We cannot help further obſerving, that as

the ſtamp act was not to take place till the 1ſt of November, if the parliament had been called early, their determinations, either for enforcing or repealing that law, would probably have delivered the merchants and manufacturers here from all the difficulties and diſtreſs to which they have been for ſo many months expoſed; nor would the diſorders in America, where all government is proſtrate, have riſen to ſo great a height, or taken ſo deep a root.

3dly. Becauſe the argument which has been uſed in favour of this bill of repeal, that the experiment of the ſtamp act has been tried, and has failed, is extremely ill founded; as it manifeſtly appears from the whole tenor of the papers laid before us, that if this experiment had been properly tried, with the ſame zeal for its ſucceſs with which it was firſt propoſed, it would not have failed in any of the colonies: and that this was the opinion of the greateſt part of the governors in North-America, and of many of the moſt intelligent and reſpectable perſons in thoſe provinces, for ſome time after this act was paſſed, is evident beyond a doubt, from the letters of the former now upon our table, and from the latter having applied for, and accepted the office of diſtributors of the ſtamps under that act, which they certainly would not have done, and thereby have expoſed their lives and fortunes to the violence and outrages which they have ſince undergone, if they had then thought the ſucceſs of this meaſure in any degree precarious: nor have we heard of any impracticability attending this law in Jamaica and Barbadoes, and ſome other of the Weſt-India iſlands, or in thoſe of our colonies in North-America, where it has been executed.

4thly. Becauſe a precedent of the two houſes of parliament lending their power, from motives of fear or impatience under a preſent uneaſineſs, to overturn in one month a plan of meaſures, undertaken with their warmeſt approbation and concurrence, after the moſt mature deliberation of two years together, for the improvement of our revenue, and the relief of our people, will effectually diſcourage all officers of the crown in America from doing their duty, and executing the laws of this kingdom; and is enough to deter future miniſters, in any circumſtances of diſtreſs or danger to their country, from oppoſing their fortitude and zeal for the ſervice of the public, to ſtrong combinations of private and particular intereſts, to the clamour of multitudes, or

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the malice of faction; which muſt neceſſarily bring on ſuch a weakneſs and puſillanimity in the adminiſtration of government, as will ſoon end in the downfall and ruin of the ſtate.

Laſtly, Becauſe the repeal of this law under the preſent circumſtances, will, we fear, not only ſurrender the honour and eſſential intereſts of the kingdom now and for ever, both at home and abroad, but will alſo deeply affect the fundamental principles of our conſtitution; for if we paſs this bill againſt our opinion, from the threats and compulſion publicly avowed in our colonies, and enforced by the moſt unjuſtifiable means within Great-Britain, we diſclaim that legiſlative authority over the ſubjects, which we own ourſelves unable to maintain. If we give our conſent to it here, without a full conviction that it is right, merely becauſe it has paſſed the other houſe, by declining to do our duty on the moſt important occaſion which can ever preſent itſelf, and where our interpoſition, for many obvious reaſons, would be peculiarly proper; we in effect annihilate this branch of the legiſlature, and vote ourſelves uſeleſs. Or if by paſſing this bill, we mean to juſtify thoſe, who in America, and even in Great-Britain, have treated a ſeries of Britiſh acts of parliament as ſo many acts of tyranny and oppreſſion, which it is ſcarcely criminal to reſiſt; or thoſe officers of the crown, who, under the eye, and with the knowledge of government, have taken upon themſelves, whilſt the parliament was ſitting, without its conſent, to ſuſpend the execution of the ſtamp act, by admitting ſhips from the colonies, with unſtampt clearances, to an entry, in direct violation of it, which from the papers upon our table appears to have been done; we ſhall then give our approbation to an open breach of the firſt article of that great palladium of our liberties, the bill of rights; by which it is declared, 'That the pretended power of ſuſpending laws, or the execution of laws, by regal authority, without conſent of parliament, is illegal.' Laſtly, If we ground our proceedings upon the opinion of thoſe who have contended in this houſe, that from the conſtitution of our colonies they ought never to be taxed, even for their own immediate defence, we fear that ſuch a declaration, by which near a fifth part of the ſubjects of Great-Britain, who by the acts of parliament to reſtrain the preſſing of ſeamen in America, are already exempted from furniſhing men to our navy, are to be

for ever exempted from contributing their ſhare towards their own ſupport in money likewiſe, will, from the flagrant partiality and injuſtice of it, either depopulate this kingdom, or ſhake the baſis of equality, and of that original compact, upon which every ſociety is founded; and as we believe, that there is no inſtance of ſuch a permanent exemption of ſo large a body of the ſubjects of any ſtate in any hiſtory, antient or modern, we are extremely apprehenſive of the fatal conſequences of this unhappy meaſure; to which, for theſe reaſons, in addition to thoſe contained in the proteſt of the 11th of this month, our duty to the King, and juſtice to our country, oblige us to enter this our ſolemn diſſent.

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|---|---|
| TEMPLE | DUDLEY and WARD |
| ABERCORN | SUFFOLK and BERKSHIRE |
| SCARSDALE | LEIGH |
| J. BANGOR | BRIDGEWATER |
| TREVOR | GOWER |
| HYDE | GROSVENOR |
| MARLBOROUGH | POWIS |
| SANDWICH | KER |
| CHARLES CARLISLE | LYTTELTON |
| WEYMOUTH | ESSEX |
| THOMAS BRISTOL | FERRERS |
| W. GLOUCESTER | AYLESFORD |
| BUCKINGHAMSHIRE | VERE |
| R. DURESME | EGLINTOUN. |

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[Here the diſpute ſeems to have ceaſed—until it was revived the next ſeſſion of parliament (1766-7), when the following letters and papers were laid upon the table; which have not been printed before.]

*Copy of Mr. Secretary Conway's Circular Letter to his Majeſty's Governors in America.*

*St. James's, March* 31, 1766.

SIR,

Herewith I have the pleaſure of tranſmitting to you copies of two acts of parliament juſt paſt, the firſt for ſecuring the juſt dependency of the colonies on the mother-country, the ſecond for the repeal of the act of the laſt ſeſſion, granting certain ſtamp-duties in America; and, I expect ſhortly, to ſend you a third for the indemnity of ſuch perſons

as

as have incurred the penalties impoſed by the act juſt repealed, as ſuch a bill is now depending, and has made a conſiderable progreſs in the Houſe of Commons.

The moderation, the forbearance, the unexampled lenity and tenderneſs of parliament towards the colonies, * which are ſo ſignally diſplayed in thoſe acts, cannot but diſpoſe the province committed to your care, to that return of cheerful obedience to the laws and legiſlative authority of Great-Britain, and to thoſe ſentiments of reſpectful gratitude to the mother country, which are natural, and I truſt will be the certain effects of ſo much grace and condeſcenſion ſo remarkably manifeſted on the part of his Majeſty and of the parliament, and the future happineſs and proſperity of the colonies, will very much depend on the teſtimonies they ſhall now give of theſe diſpoſitions.

For as a dutiful and affectionate return to ſuch peculiar proofs of indulgence and affection, may now at this great criſis be a means of fixing the mutual intereſts and inclinations of Great-Britain and her colonies, on the moſt firm and ſolid foundations, it cannot but appear viſible that the leaſt coolneſs or unthankfulneſs, the leaſt murmuring or diſſatisfaction on any ground whatever, of former heat, or too much prevailing prejudice, may fatally endanger that union, and give the moſt ſevere and affecting blow to the future intereſts of both countries.

You would think it ſcarce poſſible, I imagine, that the paternal care of his Majeſty for his colonies, or the lenity and indulgence of the parliament ſhould go farther than I have already mentioned; yet ſo full of true magnanimity are the ſentiments of both, and ſo free from the ſmalleſt colour of paſſion or prejudice, that they ſeem not only diſpoſed to forgive but to forget thoſe moſt unjuſtifiable marks of an undutiful diſpoſition too frequent in the large tranſactions of the colonies, and which for the honour of thoſe colonies it were to be wiſhed had been more diſcountenanced and diſcouraged by thoſe who had knowledge to conduct themſelves otherwiſe.

A reviſion of the late American trade laws is going to be the immediate object of parliament, nor will the late tranſactions

*The variations contained in the following notes on this letter, were the particular alterations in the letter ſent to General Gage.*

[* Which are ſo ſignally diſplayed in thoſe acts, cannot but diſpoſe the colonies to that *cheerful obedience*, &c.]

actions there, however provoking, I dare ſay, prevent the full operation of that kind and indulgent diſpoſition prevailing in both his Majeſty and parliament, to give the trade and intereſt of America every relief which the true ſtate of their circumſtances demanded or admits.

Nothing will tend more effectually to every conciliating purpoſe, and there is nothing therefore I have in command more earneſtly to require of you, than that you ſhould exert yourſelf * in recommending it ſtrongly to the aſſembly, that full and ample compenſation be made to thoſe, who from the madneſs of the people have ſuffered for their deference to acts of the Britiſh legiſlature, and you will be particularly attentive that ſuch perſons be effectually ſecured from any further inſult, and that as far as in you lies, you will take care by your example and influence, that they may be treated with that reſpect to their perſons, and that juſtice in regard to all their pretenſions which their merits and ſufferings undoubtedly claim.—The reſolutions of the Houſe of Commons, which by his Majeſty's command † I tranſmit to you to be laid before the aſſembly, will ſhew you the ſenſe of that houſe on thoſe points, and am perſuaded it will, as it moſt certainly ought to be the glory of that aſſembly, to adopt and imitate theſe ſentiments of the Britiſh parliament, founded on the cleareſt principles of humanity and juſtice.

I mention one circumſtance in particular that ſhould ‡ recommend thoſe unhappy people, whom the outrage of the populace had driven from America, to the affection of all that country, which is, that unprovoked by the injuries they had ſuffered, to a forgetfulneſs of what they owed to truth and their country, they gave their teſtimonies with knowledge but without paſſion or prejudice, and thoſe teſtimonies had, I believe, great weight in perſuading the repeal of the ſtamp-act.

I have only to add, which I do with great pleaſure, that every part of your conduct has had the intire and hearty approbation

[* In perſuading *that full*, &c.]

[† I have tranſmitted to the ſeveral governors to be laid before the aſſemblies, will ſhew you the ſenſe of that houſe on thoſe points, and I am perſuaded, need not preſs you to exert your utmoſt endeavours to excite every where a ſpirit of obedience and ſubmiſſion among the people ]

[‡ Which ought to *recommend*, &c.]

approbation of your ſovereign *, and that the judicious repreſentations in favour of your province, which appear in your letters laid before both houſes of parliament, ſeem to have their full weight in all thoſe parts of the American intereſts to which they relate, and, as his Majeſty honours you with his fulleſt approbation, both for the firmneſs and for the temperance of your conduct, ſo I hope your province will be ſenſible of their obligations to you, and will cordially feel what they owe to a governor whom no outrage could provoke to reſentment, nor any inſult induce to relax in his endeavour to perſuade his Majeſty to ſhew indulgence and favour even to the offending part of his people. I am, &c.

*To Governor Bernard.* H. S. CONWAY.

Like Letters to the governors of New-York, New-Jerſey, Connecticut, Rhode-Iſland, Virginia, Maryland, North-Carolina and Georgia, which, inſtead of the laſt paragraphs, conclude with the following one:

"Your ſituation, which has made you a witneſs of the diſtractions of that country, will enable you to form the beſt judgment of the behaviour which your province ought to uſe upon this occaſion, and of the arguments which you ought to employ to enforce the neceſſity of ſuch a behaviour as is ſuitable to their preſent circumſtances."

The three laſt paragraphs are omitted in the letters to the governor of Pennſylvania, New-Hampſhire, and South-Carolina, which conclude with the paragraph as above, with this addition to Pennſylvania:

"I am glad to find that things have remained quiet in your government: By his Majeſty's commands I tranſmit you the reſolutions of the Houſe of Commons, to be laid before your aſſembly, whom you will at the ſame time aſſure of his Majeſty's approbation of the wiſe and prudent as well as dutiful behaviour which the province of Pennſylvania has held,

[* This will be delivered to you by Major James, whoſe ſpirited conduct in his poſt at New-York, and his unprejudiced repreſentations here muſt do him great credit with all honeſt men. It is by his Majeſty's commands that I recommend him not only to your protection but to your favour.

Your laſt letters of the 22d of February are juſt received: I cannot now give you a particular anſwer; your own knowledge of things and prudence, will make any particular direction needleſs.

*To Major-General Gage.* I am, &c. H. S. CONWAY.]

held, amidſt the too prevailing diſtractions which have ſo generally agitated the other colonies.

"This behaviour of your province reflects honour on your adminiſtration, and I have the ſatisfaction to inform you, that your own conduct meets with his Majeſty's approbation."

And to New-Hampſhire with the following paragraph:

"By his Majeſty's commands, I tranſmit to you the reſolutions of the Houſe of Commons of Great-Britain, on the occaſion of the late diſturbances in America, to be laid before the aſſembly."

The three ſaid laſt paragraphs are likewiſe omitted to the governors of Quebec, Nova-Scotia, Eaſt and Weſt-Florida, and Weſt-India Iſlands, and the following one was made uſe of:

"I am glad to find there have been no diſturbances in your * province on this occaſion, and I am confident, I need not point to you the behaviour which it becomes the colonies to uſe at this time, or the arguments which you ought to employ to enforce the neceſſity of ſuch a behaviour in the preſent ſituation of things."

N. B. The reſolutions of the Houſe of Commons were alſo tranſmitted to them.

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*Copy of a circular Letter to his Majeſty's Governors in America.*

SIR, *Whitehall, July* 10, 1766.

I ſend you herewith incloſed, "An Act, intitled, an Act for repealing certain Duties in the Britiſh Colonies and Plantations, granted by ſeveral Acts of Parliament, &c. and for granting other Duties inſtead thereof," which I make no doubt will be received and conſidered as a further proof of the king and parliament's attention to the intereſts and proſperity of his Majeſty's American ſubjects. I am, &c.

RICHMOND, &c.

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*Copy of a Letter from the Earl of Shelburne to Sir Henry Moore, Governor of New-York.*

SIR, *Whitehall, Auguſt* 9, 1766.

I took the firſt opportunity, after his Majeſty had been moſt graciouſly pleaſed to intruſt me with the ſeals of the ſouthern department, to lay before him your letter of the 20th

[* Government.]

20th of June, giving an account of the general ſatisfaction expreſſed by all ranks and degrees of people on the repeal of the ſtamp-act, and likewiſe your reaſons for aſſenting to a bill for providing barracks, firewood, candles, bedding and utenſils for the kitchen for the king's troops as demanded, notwithſtanding the articles of ſalt, vinegar, cyder and beer, be not included, under a pretence that they are not provided for troops lodged in barracks in Europe.

I have his Majeſty's commands to acquaint you of the ſatisfaction he feels in the happineſs of his ſubjects, ariſing from the tender care and conſideration of his parliament; but I am ordered to ſignify to you at the ſame time, that as it is the indiſpenſable duty of his ſubjects in America to obey the acts of the legiſlature of Great-Britain, the king both expects and requires a due and cheerful obedience to the ſame; and it cannot be doubted that his Majeſty's province of New-York, after the lenity of Great-Britain ſo recently extended to America, will not fail duly to carry into execution the act of parliament paſſed laſt ſeſſion for quartering his Majeſty's troops, in the full extent and meaning of the act, without referring to the uſage of other parts of his Majeſty's dominions, where the legiſlature has thought proper to preſcribe different regulations, and which cannot be altered any more than in North-America, except upon a reſpectful and well-grounded repreſentation of the hardſhip or inconvenience:—Theſe conſiderations, I am convinced, muſt of themſelves have ſo much weight with the aſſembly of New-York, not only in the preſent conjuncture, when it is natural to ſuppoſe the minds of men retain ſenſible impreſſions of what has lately paſſed, but upon other occaſions which may call for a ready obedience, that I cannot think it neceſſary for me to enlarge further upon their importance; I muſt only, Sir, in general, add, that I hope and believe, that a very little time, together with that temperate adminiſtration of government, which your regard to the people under it muſt make you naturally incline to, and that firmneſs which your duty to the king equally requires, will allay whatever remains of thoſe heats which have ſo unhappily for America, prevailed, and which, if continued, muſt prove of the moſt fatal conſequence to whatever province they are ſuffered in. I am therefore perſuaded, that the aſſembly will loſe no occaſion that offers, of convincing his Majeſty, that the people of New-York will yield to no other part of his

his Majeſty's ſubjects in duty, loyalty, and obedience, to ſuch laws as the king and parliament have thought proper to enact, for their benefit and protection.

I am, &c. SHELBURNE.

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*Copy of a Letter from the Earl of Shelburne to Governor Bernard.*

SIR, *Whitehall, Sept.* 13, 1766.

I have had the honour to lay before the king your letters of the 29th of June and 19th of July laſt, together with the incloſures therein contained, and I have received his Majeſty's commands to communicate them to ſuch of his ſervants as he thinks proper uſually to conſult upon his moſt important affairs, as ſoon as the ſeaſon of the year will conveniently admit of their meeting for this and other purpoſes. In the mean time his Majeſty is extremely ſorry to obſerve any degree of ill temper remaining in his colony of Maſſachuſett's-Bay, or that points ſhould be ſo improperly agitated, as to tend to the revival of diſputes which every friend to America muſt wiſh to be forgotten. They have ſeen the parliament of Great-Britain give due attention to all well-founded complaints of the provinces, notwithſtanding they appeared to them in ſome parts not ſo properly urged, and though the legiſlature will certainly, on all juſt occaſions, exerciſe and enforce its legiſlative power over the colonies, yet it cannot be doubted but it will exert it with a due regard to the nature of their connection with the mother-country.

Upon this occaſion it is proper to obſerve in general, that the eaſe and honour of his Majeſty's government in America will greatly depend on the temper and wiſdom of thoſe who are intruſted with the adminiſtration there, and that they ought to be perſons diſdaining narrow views, private combinations, and partial attachments. It is with great pleaſure, Sir, that I have obſerved the manner in which you have conducted yourſelf during the diſputes of the laſt year, which I cannot do without highly approving your attention and watchfulneſs on the one hand to ſupport the authority of government, and on the other, the tenderneſs and affection which appeared in all your letters towards the people under your government.—A temperate conduct, founded on the true baſis of public good, avoiding all unneceſſary reſerve where nothing arbitrary is thought of, and nothing unreaſonable required, muſt carry conviction to the hearts of the deluded

deluded, conciliate the minds of all, and inſure the confidence of his Majeſty's loyal and loving ſubjects of America.

Upon theſe conſiderations I am perſuaded that the aſſembly will immediately, upon their meeting, fall into meaſures to terminate all local difficulties which appear by your accounts to have hitherto prevented that compliance which will be expected by parliament, with the recommendations you have been required to make, in conſequence of the reſolutions of both houſes.—It is impoſſible to conceive that they will ſuffer any private conſiderations to interfere with their deſire of ſhewing a proper ſenſe of that paternal regard which they have experienced from his Majeſty, and that attention which parliament has given to their complaints, which can never be done with more propriety than by granting, with the utmoſt chearfulneſs, a juſt compenſation to thoſe who have ſuffered by the late diſorders.

I am, &c. SHELBURNE.

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*Extract of a Letter from Lieutenant Governor Bull to Mr. Secretary Conway.*

[*Received June* 30.]

SIR, *Charles-Town, May* 9, 1766.

By the Hillſborough Packet on the 15th of laſt month, I received the honour of your letter (a duplicate, the original never having reached me) dated the 24th of October, 1765, ſignifying his Majeſty's pleaſure in regard to the ſuppreſſion of riots in this province, and it is with no ſmall ſatisfaction I reflect that my behaviour in that delicate conjuncture has been regulated in the ſame manner which his Majeſty has graciouſly thought fit to command his governors to obſerve.

I am to acquaint you, Sir, that within theſe two days we have received accounts from various parts that the ſtamp-act is certainly repealed, which are attended with circumſtances that leave no room to doubt the truth thereof. The joy of the people on this occaſion was demonſtrated by running almoſt to exceſs, at the thoughts of being relieved, not only from the diſtreſs which the preſent ſtagnation of buſineſs had brought on them, but alſo from the apprehenſions of having further burthens laid upon them; and, although I expect the arrival of Lord Charles Montague, our governor, every day, the irkſomeneſs of the late reſtraint renders the people ſo impatient of waiting for any further confirmation of this agreeable news, that as the repeal operates from the day the king

king gives his royal aſſent to the bill, all the uſual channels of buſineſs are now opened, and with them a proſpect of good order, tranquility, and proſperity through the province.

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*Governor Sir Henry Moore's Letter to Mr. Secretary Conway.*
[*Received July 6, by Major-General Burton.*]

*Fort-George, New-York, May* 27, 1766.

SIR,

I had the honour of receiving your letters by the hands of Major James, and at the ſame time diſpatches for the reſt of his Majeſty's governor's, all which were forwarded to them within a few hours after they were landed. As the general aſſembly of this province will meet in a few days, I ſhall then have an opportunity of ſeeing what impreſſion has been made on their minds by the ſignal favours already conferred on them by his Majeſty and his parliament, and what returns of gratitude they are inclined to make. Nothing on my part, ſhall be wanting to bring back to their duty thoſe who have been impoſed on and miſled, and I ſhall, in the ſtrongeſt manner, recommend to the aſſembly the caſe of thoſe perſons who were ſufferers in the late commotions, that they may have a full compenſation made to them for the loſſes they ſuſtained, by the haſty and ill-timed proceedings of the populace.

I have the honour to be, &c.

H. MOORE.

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*Governor Sir Henry Moore's Letter.*
[*Received the 25th of July.*]

*Fort-George, New-York, June* 20, 1766.

SIR,

The pacquet having ſuffered ſo much in her laſt voyage as to ſtand in need of ſome conſiderable reparations before ſhe could venture to ſea again, I am enabled, by the delay which this misfortune has occaſioned, to tranſmit to you ſome accounts of our proceedings here, ſince I had the honour of your letter, notifying the repeal of the ſtamp-act. The general aſſembly having deſired, at the cloſe of the laſt ſeſſion, to ſit again in the ſpring for the diſpatch of ſome buſineſs, their meeting was put off, by different prorogations, till the 11th day of this month, and I have here incloſed my ſpeech at the opening of the ſeſſions, and the addreſſes of the council

council and assembly. From the general satisfaction which was expressed here by all ranks and degrees of people, I had all the reason to expect, that the earliest opportunity would have been taken to shew their gratitude for such signal favours received; you may then easily judge, Sir, how much I was surprized to find myself disappointed in my expectations; for, upon General Gage's application to me for bedding, utensils, &c. agreeable to the act of parliament for his Majesty's troops then under orders of march for this city, the consideration of the message I sent was postponed till after the arrival of the troops, by which they were put to very great inconveniencies, and afterwards such resolutions were entered into that appeared to me as evasive as they were unexpected. After informing the General with what had passed, I sent a second message, which was ordered in such a manner as to require a categorical answer, which laid them under some difficulties; for, although it appeared plainly, that they did not choose to shew that obedience which was due to an act of parliament, it was evident that they were too apprehensive of the ill consequences which would attend their refusing to comply with it. They have now ordered a bill to be brought in, for providing barracks, fire-wood, candles, bedding, and utensils for the kitchen as demanded, but the articles of salt, vinegar, and cyder or beer, are not to be included in the bill, being furnished with this pretence to leave them out, that they are not provided in Europe for his Majesty's troops which are in barracks; and, as the General is satisfied that nothing more can be obtained at this time, I hope that I shall be thought to act for his Majesty's service in passing the bill in its present state, for the difficulties which would arise in the other colonies upon a like application from their governors, may by this step be obviated, as I am persuaded, from what I have seen, that the example of this province, in making the provision required, will have a greater influence on the proceedings of the others than any other motive whatsoever, and it will appear on the minutes of the assembly, that I made the same demand during their last session, without being able to obtain the smallest sum for that purpose. This, Sir, is a bare relation of what has passed here, without aggravating or extenuating any one circumstance, and as matters of fact speak best for themselves, I thought it proper to lay the whole of this proceeding before you, as it will, at one view, shew the deference here paid to

acts of parliament, and what may be our expectations on a future occaſion; you will be pleaſed to obſerve, that my meſſage is treated merely as a requiſition made here, and that they have carefully avoided the leaſt mention of the act on which it is founded, and it is my opinion, that every act of parliament, when not backed by a ſufficient power to enforce it, will meet with the ſame fate here. I am, &c.

*To the Right Hon. H. S. Conway.* H. MOORE.

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*The Speech of his Excellency Sir Henry Moore, Bart. Captain-General and Governor in Chief, in and over the Province of New-York, and the Territories depending thereon in America, Vice-Admiral and Chancellor of the ſame.*

*To the Council and General Aſſembly of the ſaid Province.*

*Gentlemen of the Council, and Gentlemen of the General Aſſembly,*

THE general ſatisfaction which has been diffuſed throughout the colonies on the late favourable proceedings of the parliament of Great-Britain in the repeal of the ſtamp-act, and the impreſſion made on the minds of the people on receiving ſuch diſtinguiſhing marks of his Majeſty's favour and protection, have induced me to give you the earlieſt opportunity of making thoſe acknowledgements of duty and ſubmiſſion, which on ſuch an occaſion muſt ariſe in the breaſt of every individual. The miſrepreſentations heretofore made by artful and deſigning perſons, have had their effect in impoſing on the weak and credulous, and falſe hopes and fears are now conceived by thoſe, who, from their ſituation, can only ſee and hear at a diſtance, and of courſe are eaſily impoſed on. Let it be your concern to undeceive the deluded, and, by the powerful examples of your own conduct, bring to a ſenſe of their duty, thoſe who have been miſled, that nothing which can carry with it the leaſt reſemblance of former heat and prejudice may be ſuffered to prevail, and the minds of thoſe who are too eaſily agitated, be diſpoſed to a chearful obedience to the laws, and to ſentiments of reſpectful gratitude to the mother-country.

*Gentlemen of the General Aſſembly,*

I muſt at this time recommend to your particular attention the caſe of thoſe unfortunate perſons, who from the licentiouſneſs of the populace have ſuffered for their deference

to

to the acts of the Britiſh legiſlature: I flatter myſelf, that they who ſue to this houſe for juſtice will never ſue in vain, and that it will be no ungrateful taſk for this province to take the lead on ſuch an occaſion, and, by making a full and ample compenſation to the ſufferers for their goods and effects deſtroyed, ſhew to the neighbouring provinces, by an example great as well as juſt, the ſenſe which is here entertained of the benefits lately received. The reſolutions of the Houſe of Commons have, by his Majeſty's commands, been tranſmitted to me, in order to be laid before you: theſe ſufficiently ſhew the ſenſe of that auguſt aſſembly on this point, whoſe ſentiments it ſhould be your glory to adopt and imitate, as they are ſo evidently founded on the cleareſt principles of humanity and juſtice. This carries its own recommendation with it, and makes it needleſs for me to enforce by arguments, a meaſure, which at the ſame time it will do honour to the province, will ſhew yourſelves not unworthy of that royal condeſcenſion and protection which have been manifeſted on the late intereſting occaſion.

*Gentlemen of the Council, and Gentlemen of the General Aſſembly,*

I have nothing more in particular to lay before you at this juncture, and ſhall be extremely happy to ſhew my ready concurrence with you in promoting every meaſure which can tend to the ſervice of his Majeſty, and the welfare of the people.

*New-York, June* 12, 1766. H. MOORE.

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*To his Excellency Sir Henry Moore, Bart. Captain-General and Governor in Chief in and over the Province of New-York, and the Territories depending in America, Chancellor and Vice-Admiral of the ſame.*

*The humble Addreſs of the Council of the Province of New-York.*

*May it pleaſe your Excellency.*

THE council, impreſſed with the warmeſt ſentiments of duty and gratitude to his Majeſty, for the late moſt diſtinguiſhing mark of royal favour and protection, and filled with the higheſt ſenſe of the great wiſdom, juſtice and moderation, manifeſted in the proceedings of that auguſt body the Britiſh parliament, return your Excellency their unfeigned thanks for this early communication of an event ſo ardently hoped for, and ſo highly ſatisfactory to theſe colonie.

To undeceive the deluded, and to bring back to a ſenſe of their duty the miſguided and prejudiced, have been the fixed objects of our attention, ſenſible that where ſubmiſſion to the laws is wanting, anarchy and confuſion muſt enſue: evils the moſt to be dreaded, as they are the moſt pernicious to ſociety. And you may be aſſured, Sir, that nothing ſhall be wanting on our part to inculcate in the minds of the people, a thorough ſenſe of the obedience they owe, the dependance they ſtand in, and the benefits they receive from their moſt gracious ſovereign, and their guardians the Britiſh parliament, confident that the colonies in general, will, by their conduct, ſhew themſelves deſerving of every mark of royal favour and indulgence.

We ſhall, at all times, cheerfully and readily concur with your Excellency in promoting every meaſure which can tend to the ſervice of his Majeſty, and the happineſs and proſperity of the colony. By order of the council,

*New-York,* DANIEL HORSMANDEN, Speaker.
*June* 14, 1766.

To which his Excellency was pleaſed to return the following anſwer.

*Gentlemen,*

I return you many thanks for this addreſs, as the ſentiments you expreſs therein, muſt ſo manifeſtly tend to the eſtabliſhment of the happineſs and proſperity of your country.

*Fort George, New-York, June* 16, 1766.

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ADDRESS OF THE HOUSE OF ASSEMBLY OF NEW-YORK.

*To his Excellency Sir Henry Moore, Baronet, Captain-General and Governor in Chief, in and over the Colony of New-York, and the Territories depending thereon in America, Chancellor and Vice-Admiral of the ſame.*

*The humble Addreſs of the General Aſſembly of the ſaid Colony.*

*May it pleaſe your Excellency,*

WE his Majeſty's moſt dutiful and loyal ſubjects the general aſſembly of the colony of New-York, return your Excellency our hearty thanks for your ſpeech.

The recent inſtance of his Majeſty's tender concern for the rights and liberties of his American ſubjects, and the ſignal proof of the juſtice and impartiality of the Britiſh parliament,

liament, in the repeal of the ſtamp-act, will, we doubt not, add new ardour to their affection for his ſacred perſon and government, and augment their eſteem and veneration for his auguſt parliament.

And as we conceive it our honor and happineſs to participate in, and the utmoſt of our power to promote and inculcate the warmeſt gratitude for every inſtance of moderation and juſtice in the grand legiſlature of the nation, ſo we ſhall neglect no opportunity to diſcountenance and ſuppreſs every miſrepreſentation tending to extinguiſh or abate ſuch becoming ſentiments, and to promote by our influence and example, a chearful obedience to the laws, and a reſpectful conduct to the mother-country.

The reſolutions of the honourable houſe of commons reſpecting the ſufferers in the late commotions, we ſhall conſider with all the deference due to the ſentiments of that illuſtrious aſſembly, and we return your Excellency our hearty thanks for your aſſurance of your ready concurrence in promoting every meaſure which may tend to the ſervice of his Majeſty, and the welfare of the people.

By order of the general aſſembly,

*Aſſembly-Chamber*, W. NICOLL, Speaker.
*City of New-York*, *June* 16, 1766.

To which his Excellency was pleaſed to return the following anſwer.

*Gentlemen of the General Aſſembly*,

I Return you my thanks for this addreſs. It is hoped from the ſentiments you entertain of the benefits lately received, that thoſe who have at heart the proſperity of their country, will not neglect ſo favourable an opportunity of diſtinguiſhing themſelves as that which now offers, by promoting whatever may be neceſſary towards the ſettling on a laſting foundation, the mutual intereſts of Great-Britain and her colonies.

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*Copies of Sir Henry Moore's two Meſſages to the Houſe of Aſſembly of New-York, and the Anſwers, in his Letter of June* 20, 1766.

*Copy of Sir Henry Moore's firſt Meſſage to the Houſe of Aſſembly*, *June* 13, 1766.

A return of his Majeſty's forces under orders of march for this city, having been ſent to me by his Excellency Ge-

neral Gage, I take the earlieſt opportunity of laying it before you, and hope you will give the neceſſary directions, that ſufficient quarters, bedding, utenſils, &c. may be provided for the reception of the officers and ſoldiers ſpecified in the ſaid return, agreeable to the act of parliament.

*Anſwer of the Houſe of Aſſembly to the above Meſſage.*

*Aſſembly-Chamber, City of New-York,*
*Die Jovis 9 h. A. M. the 19th of June,* 1766.

The houſe, according to order, reſolved itſelf into a committee of the whole houſe upon his Excellency's meſſage of the 13th inſtant, recommending the making proviſion for quarters, bedding, utenſils, &c. for a number of troops mentioned in a return accompanying the ſaid meſſage; after ſome time ſpent in conſidering the ſame, Mr. Speaker reſumed the chair, and Mr. Philip Livingſton reported the reſolutions of the committee, which he read in his place, and afterwards delivered it at the table, where the ſame was again read, and are as follows; viz.

Reſolved, That it is the opinion of this committee, that the general aſſembly of this colony have always been ready and willing to comply with every requiſition made to them by order and for the ſervice of his Majeſty, nor can they recollect one ſingle inſtance wherein they have with-held the aid requeſted.

Reſolved, That it is the opinion of this committee, that the requiſition now made by the above-mentioned meſſage, is of ſuch a nature and tendency, that ſhould it be granted, the expence might, and probably would, very ſoon exceed the ability of this colony to pay, as the number of troops that may from time to time require the like proviſion, are to this committee entirely unknown, and the articles required for the greateſt part, as this committee is informed, unprecedented.

Reſolved, That it is the opinion of this committee, that the requiſition now made will amount at leaſt to three-pence per day for each private man, excluſive of beds and bedding.

Reſolved, That it is the opinion of this committee, that the houſe, upon a proper requiſition from the crown for that purpoſe, ſhould be at the expence of furniſhing barracks, bedding, utenſils for dreſſing victuals, and firewood,

and

and candles, for a proportionate part of the troops with the reſt of the colonies, which the committee conceives is as much as can reaſonably be expected.

Reſolved, That it is the opinion of this committee, that his Majeſty's ſervice cannot in the leaſt ſuffer by the non-compliance of the houſe with this requiſition, becauſe the troops have hitherto ſubſiſted very well without any ſuch proviſion, and if that was not the caſe, a ſum of money to the amount of £. 3990, is now remaining in the treaſury of this colony, ſubject to the order of the commander in chief of his Majeſty's troops in North-America, which he may apply for the ſervice of his Majeſty's forces, as he thinks proper.

And the ſaid reſolutions having been read a ſecond time:

Reſolved, That the houſe do agree with the committee in the foregoing reſolutions.

Ordered, That Mr. Thomas and Colonel Livingſton wait upon his Excellency with the foregoing reſolutions. By order of the general aſſembly

ABRAHAM LOTT, Clerk.

*Copy of Sir Henry Moore's ſecond Meſſage to the Houſe of Aſſembly,*

*June* 20, 1766.

A copy of the reſolutions of the houſe of aſſembly, in anſwer to my meſſage of the 13th inſtant, recommending the making proviſion for quarters, bedding, utenſils, &c. for his Majeſty's troops then under orders of march for this city, having been ſent to his Excellency the general, I yeſterday evening received a letter from him, of which the following is an extract.

" The ſum of £3990 pounds, which the houſe mentions to be remaining in the treaſury of this colony, ſubject to the order of the commander in chief of his Majeſty's forces in North-America, I underſtand was left there by Sir Jeffery Amherſt, to be returned to the province, as the ſervice of the public did not require it to be drawn. If the houſe means that ſum as a fund to be appropriated to the uſe of quartering his Majeſty's forces, it will certainly anſwer as well as any other fund they might appropriate to that uſe, as far as it will go. But I ſhould be glad to be informed, whether it is the intent and meaning of the houſe of aſſembly, that the commander in chief of his Majeſty's

forces, ſhould draw for the above ſum of £.3990, or ſuch parts thereof as there may be occaſion for, to indemnify the magiſtrates for the expences they may incur in quartering his Majeſty's troops, according to the act of parliament paſſed the laſt ſeſſions of parliament for quartering his Majeſty's forces in North-America."

As by this extract it appears that a farther explication is required of that paragraph in the meſſage of yeſterday relative to the ſum of money therein mentioned to be lying in the treaſury, and at the diſpoſal of the commander in chief of his Majeſty's troops. The houſe of aſſembly is deſired to inform me, on what conditions the general is to draw for that money, and whether he is to take it on the terms mentioned in his letter or not, that no time may be loſt in furniſhing the neceſſaries for the troops.

*Anſwer to Sir Henry Moore's ſecond Meſſage to the Houſe of Aſſembly, on the 20th of June, 1766.*

*Die Lunæ, 3 h. P. M. the 23d of June, 1766.*

The houſe, according to order, reſolved itſelf into a committee of the whole houſe upon his Excellency's meſſage of the 20th inſtant, relating to the quartering of his Majeſty's forces in this colony. After ſome time ſpent therein, Mr. Speaker reſumed the chair, and Mr. Philip Livingſton reported the reſolutions of the committee, which he read in his place, and afterwards delivered it in at the table, where the ſame were again read, and agreed to by the houſe, and are as follow; viz.

Reſolved, That it is the opinion of this committee, that it is impoſſible for the general aſſembly, in juſtice to their conſtituents, to raiſe or appropriate any fund for furniſhing his Majeſty's forces in the manner required by his Excellency, for the reaſons given in the reſolutions of the houſe of the 19th inſtant. But, as the general aſſembly have always been ready to promote his Majeſty's ſervice as far as they were able, conſiſtent with their duty to, and a due regard for the intereſt of their conſtituents, the committee are of opinion, that proviſion ſhould be made for furniſhing the barracks in the cities of New-York and Albany, with beds, bedding, fire-wood, candles, and utenſils for dreſſing of victuals for two batallions, not exceeding five hundred men each, and one company of artillery for one year.

Reſolved,

Reſolved, That the expence to accrue by virtue of the foregoing reſolutions, be made payable out of the money now remaining in the treaſury, by virtue of an act paſſed the 20th of March, 1762, intituled, "An Act, directing the treaſurer of this colony to pay the commander in chief of all his Majeſty's forces in North-America the ſum of £.4790 for his Majeſty's ſervice, to be repaid when his Majeſty ſhall think proper."

Ordered, That a bill be brought in, purſuant to the ſaid reſolutions, and that Mr. Philip Livingſton and Mr. Douw prepare and bring in the ſame.

Ordered, That Colonel Livingſton and Mr. Ten Brock wait upon his Excellency with the foregoing reſolutions. By order of the general aſſembly,

ABRAHAM LOTT, Clerk.

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*Extract of a Letter from Lieutenant-Governor Colden to Mr. Secretary Conway.* [*Received July* 25.]

*New-York, June* 24, 1766.

THE governor, in obedience to his Majeſty's command, having laid before the aſſembly of this province the reſolutions of the Houſe of Commons of Great-Britain, for the payment of loſſes any perſon has ſuſtained in the late riots for his deference to the acts of the Britiſh legiſlature; I ſent in an account of things I had deſtroyed by the mob in the night of the firſt of November laſt, when they broke open my coach-houſe, and burnt my chariot, &c. The loſs and value of the things loſt were proved by my ſon's oath, amounting to the ſum of one hundred and ninety-five pounds, three ſhillings. Major James had petitioned to have compenſation for his loſſes ſuſtained at that time, and his petition being referred to a committee of the whole houſe, my account was referred to the ſame committee, together with the accounts of ſome other perſons who ſuffered at the ſame time by the mob. The method the aſſembly has taken of refuſing any compenſation to me, is by the committees paſſing my demand over in ſilence, and reporting in favour of the others, and I am aſſured this is their reſolution.

Governor

*Governor Franklin's Letter to Mr. Secretary Conway.*

[*Received July* 25.]

SIR, *Perth Amboy, June* 19, 1766.

I Had the honour of receiving your two letters of the 1ſt and 31ſt of March, with the two acts of parliament, and the reſolutions of the Houſe of Commons, which were contained in the laſt. I immediately ſummoned the council and aſſembly to meet at this place, when I laid thoſe papers before them, and recommended it to them to return their thanks and acknowledgments to his Majeſty and his parliament, for their great goodneſs and condeſcenſion in relieving this country from the difficulties occaſioned by the ſtamp-act. This they have unanimouſly agreed to do, and their addreſſes will, I believe, be tranſmitted to their agent in England by this opportunity, and I have reaſon to think that you will find them filled with the warmeſt expreſſions of duty and gratitude. It gives me great pleaſure, that I have been able, through all the late diſturbances, to preſerve the tranquility of this province, notwithſtanding the endeavours of ſome to ſtimulate the populace to ſuch acts as have diſgraced the colonies.

The wiſdom of the preſent meaſures have already had the beſt effects in America, and afford the pleaſing proſpect of an uninterrupted harmony between the two countries.

The legiſlature is ſtill ſitting, and in all probability we ſhall have an amicable ſeſſion: I ſend herewith a copy of my ſpeech to the council and aſſembly on this occaſion, and as ſoon as I can obtain a copy of their proceedings, I ſhall do myſelf the honour of tranſmitting it to you likewiſe.

I am, &c.

*To the Right Hon.* WM. FRANKLIN.
*H. S. Conway.*

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*Extract of a Letter from Governor Bernard to Mr. Secretary Conway.* [*Received Auguſt* 2.]

*Boſton, June* 29, 1766.

I Had the honour to receive your letter of March 31ſt on the 31ſt of May, three days after the aſſembly was met at the uſual time. I have been very deſirous, that at the time I acknowledged this receipt, I ſhould alſo inform you, that the aſſembly had complied with his Majeſty's recommendation to indemnify the ſufferers. But I am ſorry to ſay, that

that after having waited a month for this purpoſe, and during that time have uſed all means in my power to prevail on them to give this proof of their gratitude and duty, I was obliged laſt evening to diſmiſs them, without their having done any thing towards indemnifying the ſufferers, and without the leaſt aſſurance that they ever intended to do it. I ſhall, with the firſt opportunity, give your honor an exact detail of this whole affair, ſetting it in one view, and in a true light. At preſent I write only for a ſhip which is to ſail to-morrow, and am obliged to be ſhort in what I have to write to-day.

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*Extract of a Letter from Lieutenant-Governor Fauquier to Mr. Secretary Conway.* [*Received Auguſt* 17.]

*Williamſburgh, Virginia, June* 27, 1766.

I Have been honoured within theſe few days with your favour of the 31ſt of March, with the two acts of parliament and votes of the Houſe of Commons, and with their duplicates. The unexampled favours the colonies have received from the indulgence of their mother-country, and the ſtill further benefits you give them reaſon to hope for, ſurely demand the ſtrongeſt returns of affection, duty and obedience, which it is in their power to give.

It ſhall be my part, by every means in my power, to endeavour to bring this about, and I ſhall obey his Majeſty's commands in laying the whole before the aſſembly, and make uſe of ſuch arguments and meaſures as ſhall appear to me moſt likely to produce this moſt ſalutary and moſt neceſſary effect, and I have the pleaſure, at preſent, to think this in ſome degree probable, though matters are not yet arrived at that maturity as to encourage me to give you any aſſurances of it.

I have been credibly informed, that there is a propoſal now on foot to petition me to call the aſſembly ſooner than I propoſed to do, that they might have an early opportunity of teſtifying their gratitude by an addreſs of loyalty, duty and obedience, with aſſurances of their heartily ſupporting his Majeſty, and the honour and dignity of his crown, againſt the attacks of any of his enemies. To thoſe who gave me this information, and were ſent to feel my pulſe, I gave for anſwer, that could they inſure the conduct of the houſe, that it would be as they gave me reaſon to hope it would, I ſhould with the greateſt pleaſure give them the opportu-

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nity they deſired, but that I muſt go upon ſure ground; for, if the conſequence of their meeting early ſhould be different from our wiſhes, and any offenſive or ſeditious reſolutions ſhould be entered into, I ſhould only give them a liberty effectually to cut their own throats and loſe every friend they now had, and that I had too great a regard for them to be inſtrumental in what I conceived might prove their deſtruction: They have undertaken to give me all the aſſurances I can require, if the petition ſhould be preſented.

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*Extract of a Letter from Major-General Gage to Mr. Secretary Conway.* [*Received Auguſt* 25.]

*New-York, July* 15, 1766.

IN my letter of the 24th of June, I had the honour to acquaint you that his Majeſty's twenty-eighth regiment, under the command of Major Browne, had been ordered into Ducheſſe county in this province, to aſſiſt the civil officers in putting the laws in execution, and to quell ſome dangerous riots. A ſmall body of the light infantry company was fired upon by the rioters, and three of them wounded: they returned the fire, wounded ſome, purſued and diſperſed the reſt, notwithſtanding their numbers. The diſturbances had ſpread into the county of Albany, where a ſkirmiſh happened between the ſheriff, with about two hundred followers, and a party of the rioters. Some few were killed and wounded on both ſides, but the ſheriff and his people were put to flight. A great many priſoners have been taken or delivered themſelves up, and among them are ſeveral principals. After reſtoring tranquility to the country, the regiment came to this place, leaving a captain and fifty men to guard the gaols, and brought with them the principal ringleaders of the whole confederacy. The magiſtrates commend the regiment greatly, as well for their ſpirit and readineſs in apprehending the rioters, as for their ſtrictneſs of diſcipline, not having taken the leaſt thing during their ſtay in the country, and even refuſing to plunder the houſes of ſome of the proclaimed rioters, though deſired to do it.

The aſſembly of this province has paſſed a law to provide quarters, bedding, fuel and utenſils, for two regiments and one company of artillery. There is now in this place the 28th and 46th regiments, the latter very weak, from ſome infirm and old men diſcharged, and a great number of ſoldiers whoſe times of ſervice were expiring; and the 28th regiment

regiment will alſo be ſoon very much reduced in their numbers for the ſame reaſons. Recruiting parties have been ſent home from the 46th regiment, to endeavour to compleat them; two companies of the royal regiment of artillery are encamped at the magazines, about four miles from the city, where they have a field train drawn out, and the men kept in conſtant practice in the exerciſe of the guns.

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*Governor Ward to Mr. Secretary Conway.*

[*Received Auguſt* 26.]

*Newport, Rhode-Iſland,*
*June* 25, 1766.

SIR,

Having the honour of your Excellency's letter of the 31ſt of March laſt, incloſing the copy of the act of parliament, repealing the act of laſt ſeſſion for granting certain ſtamp-duties in America, &c. I laid it, with the incloſed copies, before the general aſſembly, at their ſeſſion on the 9th inſtant.

Upon this moſt happy occaſion, the general aſſembly, with hearts deeply impreſſed with affection, loyalty and gratitude, unanimouſly reſolved upon the incloſed humble addreſs of thanks to his Majeſty, in which I moſt ſincerely concurred, and I beg leave to requeſt your Excellency to do the colony the honour to preſent it to our moſt gracious ſovereign.

Your Excellency is alſo pleaſed to inform us, that a reviſion of the American trade laws is going to be the immediate object of parliament, and that every relief which the ſtate of our circumſtances demands, or admits, will be afforded us. This freſh inſtance of the kind, and indulgent diſpoſition of the Britiſh legiſlature, is univerſally acknowledged with the moſt ſincere and reſpectful gratitude. And as nothing is more certain, than that the profits of the trade of the colonies will ultimately center in Great-Britain, I have no doubt but ſuch regulations will have the moſt happy effect upon the commerce and manufactures of the mother country.

The wiſe, upright, and benevolent meaſures of the legiſlature, in the preſent ſeſſion, have ſuppreſſed every appearance of murmuring and diſſatisfaction, and diffuſed joy, tranquility and happineſs throughout the colonies, and I can aſſure your Excellency, that the moſt dutiful, affectionate and grateful returns will be made by them, and that they are ſo firmly attached to their ſovereign and to the Britiſh conſtitution,

conſtitution, and are ſo truly ſenſible of the parental goodneſs of the mother-country, that ſhe may rely upon every poſſible convenience and advantage from them, and I cannot but promiſe myſelf, that ſuch meaſures will continue to be purſued, as will ſo entirely conciliate the affections both of his Majeſty's European and American ſubjects, that the only future contention between them will be, which ſhall moſt effectually promote his Majeſty's ſervice, and the intereſts of all his widely extended dominions.

In your Excellency's letter, the making compenſation to ſuch perſons as have ſuffered in this colony from the madneſs of the people, is warmly recommended, upon which I can at preſent only ſay, that if any application of that kind ſhould be made to the aſſembly, I doubt not but they will take it into ſerious conſideration, and that your Excellency may be aſſured of my utmoſt attention effectually to ſecure ſuch perſons from any future inſult; and that, as far as my example and influence may extend, they ſhall receive all proper reſpect and regard.

Before I conclude, I muſt beg leave to congratulate your Excellency upon the happy ſucceſs of his Majeſty's councils. The nation has been often bleſſed with a wiſe and upright adminiſtration, but to relieve ſeveral millions of his Majeſty's faithful ſubjects, plunged in the deepeſt anxiety, diſtreſs and confuſion, and to reſtore them to their former tranquility, ſecurity and happineſs, was an honour reſerved for the preſent miniſtry. I have the honour to be, &c.

*To the Right Hon. H. S. Conway.* SAMUEL WARD.

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*Extract of a Letter from Governor Bernard to Mr. Secretary Conway.* [*Received September* 3.]

*Boſton, July* 19, 1766.

IN my letter of June 29, I informed your honour that I would give you an exact detail of the proceedings of the houſe of repreſentatives, upon the indemnification of the ſufferers by the riots at Boſton, ſetting it in one view and in a true light. For this purpoſe I have cauſed all the proceedings of the governor, council, and houſe of repreſentatives to be printed together, and I have added annotations of my own upon particular paſſages, which will be more eaſily made uſe of than if they were diſperſed in a long letter. I muſt deſire that I may have ſpecial inſtructions how to conduct myſelf in the further proſecution of this affair, eſpecially if it

it ſhould be thought proper to call the aſſembly again to move this buſineſs unto them. In the mean time, if there ſhould be any opening for me to expect that the houſe will act in a different manner, I ſhall not fail to avail myſelf of it.

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*Copy of the Proceedings of the Governor, Council, and Houſe of Repreſentatives of Maſſachuſett's Bay, on the Indemnification of the Sufferers by the Rioters in Boſton, from March 31, to June 28, 1766, in Governor Bernard's Letter of July 19, 1766.*

*March* 31, 1766.

A Few days after the meeting of a new aſſembly in May, 1766, his Excellency received a letter from Mr. Secretary Conway, dated St. James's, March 31, 1766, wherein he writes as follows:

"Nothing will tend more effectually to every conciliating purpoſe, and there is nothing therefore I have in command more earneſtly to require of you, than that you ſhould exert yourſelf in recommending it ſtrongly to the aſſembly, that full and ample compenſation be made to thoſe who from the madneſs of the people, have ſuffered for their deference to acts of the Britiſh legiſlature. And you will be particuliarly attentive, that ſuch perſons be effectually ſecured from any further inſult, and that as far as in you lies, you will take care, by your example and influence, that they may be treated with that reſpect to their perſons, and that juſtice in regard to all their pretenſions, which their merits and ſufferings undoubtedly claim.

"The reſolutions of the Houſe of Commons, which by his Majeſty's command I tranſmit to you, to lay before the aſſembly, will ſhew you the ſenſe of that houſe on thoſe points, and I am perſuaded it will, as it moſt certainly ought, be the glory of that aſſembly to adopt and imitate thoſe ſentiments of the Britiſh parliament, founded on the cleareſt principles of humanity and juſtice."

The reſolutions of the Houſe of Commons relating to this buſineſs, are as follows:

Reſolved, That it is the opinion of this committee, that ſuch perſons who on account of the deſire which they have manifeſted, to comply with, or to aſſiſt in carrying into execution any acts of the legiſlature of Great-Britain relating to the Britiſh colonies in North-America, have ſuffered any injury or damage, ought to have full compenſation made to them

them for the ſame, by the reſpective colonies in which ſuch injuries or damages were ſuſtained.

Reſolved, That an humble addreſs be preſented to his Majeſty, humbly to deſire that his Majeſty will be graciouſly pleaſed to give directions that the ſaid reſolutions be tranſmitted to the Governors of his Majeſty's colonies and plantations in America, to be by them communicated to the aſſemblies of their reſpective governments.

On the 3d of June his Excellency made a ſpeech to the two houſes upon the ſubject matter of Mr. Secretary Conway's letter, and having communicated to them the ſaid letter, together with the reſolutions of the Houſe of Commons, he obſerves therefrom as follows: viz.

"I am alſo ordered to recommend to you, that full and ample compenſation be made to the late ſufferers by the madneſs of the people, and for that purpoſe I am directed to lay before you the votes of the Houſe of Commons, expreſſing their ſenſe upon that ſubject, whoſe humanity and juſtice it is hoped it will be your glory to imitate.

*Gentlemen of the Houſe of Repreſentatives,*

"The requiſition contained in this letter is of a moſt ſingular nature, and the only one of the kind that I have known ſince I have ſerved his Majeſty in America. It is founded upon a reſolution of the Houſe of Commons, formed after a full conſideration of the matter, and repreſented to his Majeſty by the addreſs of that houſe. The juſtice and humanity of this requiſition is ſo forceable, that it cannot be controverted; the authority with which it is introduced, ſhould preclude all diſputation about complying with it. I hope, therefore, you will add to the merit of your compliance, by the readineſs of it, and aſſume to yourſelves the honour which now offers itſelf, of ſetting the firſt example of gratitude and dutiful affection to the King and parliament, by giving thoſe proofs of it which are now pointed out to you I muſt obſerve, that it is from the provincial aſſembly, that the King and parliament expect this compenſation ſhould be made to the ſufferers, without referring them to any other perſon whatſoever. Who ought finally to be charged with this expence may be a proper conſideration for you, and I ſhall readily concur with you in your reſolutions thereon, after the ſufferers have been fully ſatisfied."

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The Houſe of Repreſentatives, in a meſſage, in anſwer to this ſpeech, ſay upon this head:

"The recommendation enjoined by Mr. Secretary Conway's letter, and in conſequence thereof made to us, we ſhall embrace the firſt convenient opportunity to conſider and act upon: In the mean time, cannot (A. *p.* 106.) *but obſerve, that it is conceived in much higher and ſtronger terms in the ſpeech than in the letter. Whether in thus exceeding, your Excellency ſpeaks by your own authority, or a higher, is not with us to determine. However, if this recommendation, which your Excellency terms a requiſition, be founded on* ſo much juſtice and humanity, that it cannot be controverted. *If the authority with which it is introduced ſhould preclude all diſputation about complying with it, we ſhould be glad to know what freedom we have in the caſe.*

On the 25th of June, the Houſe reſuming the further conſideration of this matter, ſent the following meſſage to the Governor:

*May it pleaſe your Excellency,*

The Houſe of Repreſentatives have duly attended to that part of your Excellency's ſpeech which had reference to a full and ample compenſation to be made to the ſufferers, in the late diſturbances.

We are ſenſibly affected with the loſs they have ſuſtained, and have the greateſt abhorrence of the madneſs and barbarity of thoſe perſons, who were the inſtruments of their ſufferings—Nothing ſhall be omitted by us in our department to bring the perpetrators of ſo horrid a fact to exemplary juſtice, and if it be in their power, to a pecuniary reſtitution of all damages.

But may it pleaſe your Excellency, as a compliance with your Excellency's recommendation to the provincial aſſembly to make up theſe loſſes, *appears to this houſe not as an act of juſtice, but rather of generoſity* (B. *p.* 106.); they are in doubt, whether they have any authority to make their conſtituents chargeable with it, without their expreſs conſent. The houſe, therefore beg leave to acquaint your Excellency that they have thought it their duty to refer the conſideration *of this matter to the next ſitting of the general court,* (C. *p.* 107.) that the members may have the opportunity of taking the minds and inſtruction of the ſeveral towns thereupon.

On the 27th of June the Governor ſent the following meſſage to the Houſe of Repreſentatives:

*Gentlemen of the Houſe of Repreſentatives,*

As your reaſons for not complying at preſent with what has been recommended to you by order of the King with the advice of his parliament, on the behalf of the ſufferers in the late diſturbances, will probably be canvaſſed with great preciſion, it will be proper that the intendment of them ſhould be as certain as may be. I ſhould, therefore, be glad to know whether I muſt underſtand from your meſſage of yeſterday, that it is your opinion, that a detection of the perpetrators of the late miſchiefs is neceſſary to intitle the ſufferers to a compenſation for their loſſes.

It appears to be the gracious intention of the King and parliament, that a veil ſhould be caſt over the late diſturbances, provided it be covered by a general and uniform dutiful behaviour for the future; but it is certainly no leſs their firm and reſolute purpoſe, that the ſufferers by theſe diſturbances ſhall have a full and ample indemnification made to them: And this buſineſs has been committed to you upon principles of humanity and juſtice, rather than of meer generoſity.

If you think that an inquiry into the promotion and perpetration of the late diſorders, is a neceſſary preliminary to determine from whence the charge of the compenſation ſhall finally come, and ſhall pronounce for the expediency of ſuch an enquiry, you will certainly be aſſiſted by the Governor and council in the proſecution of it, and I dare ſay it will be no difficult work to trace this matter to the bottom.

But in the mean time I fear the King and parliament will think their intimations diſregarded, by your propoſing an inquiry now, after it has been neglected for nine months paſt; during all which time, the houſe have had this very buſineſs of indemnification under their conſideration. They expect from you, that the ſufferers ſhould be indemnified at all events, whether the offenders are diſcovered or not, or whether they are able to pay the damages or not, and ſeem to be more intent upon indemnification than puniſhment.

I therefore wiſh, for the ſake of the province, whoſe intereſts, and eſpecially thoſe of its trade, are now in a very nice balance, and for the ſake of this town, whoſe reſpectable inhabitants have already ſuffered much in the opinion of the world, for having been tame ſpectators of the violences committed in it, that you would remove this diſgrace without the leaſt delay, by ordering the indemnification imme-

immediately to be made upon the credit of thoſe, whom you ſhall hereafter judge to be chargeable with it—When this is done, there can be no objection to your poſtponing the conſideration on whom this money ought ultimately to be laid, to what time you pleaſe, and there is no doubt but that any inquiry which you ſhall think fit to make for this purpoſe, will be as efficacious as you can deſire. (D. *p.* 107.)

Upon which, the houſe the next day preſented to his Excellency the following addreſs:

*May it pleaſe your Excellency,*

The houſe have duly attended to your Excellency's meſſage of the 27th inſtant. We are fully ſenſible of the goodneſs of the King and parliament, and agree with your Excellency, that it appears to be their gracious intention that a veil ſhould be drawn over the late diſturbances, and we hope our behaviour will always be ſuch as to merit their approbation. Sir, the houſe are ever attentive to the applications of perſons of every rank whoſe caſe juſtly claims their conſideration: (E. *p.* 108.) *But as the ſufferers, whom we apprehend your Excellency refers to, have never applied to this houſe (as we conceive) in a parliamentary way for relief, we are humbly of opinion, that we have done all at preſent that our moſt gracious ſovereign and his parliament can reaſonably expect from us. But to ſhew our regard to every thing recommended by the King and parliament, we have appointed a committee* to ſit in the receſs of the court, to *make a thorough inquiry into the riots* committed in the month of Auguſt laſt, and diſcover the perſons concerned therein, as far as may be, for the effectuating which buſineſs, we doubt not but we ſhall be aided by your Excellency and his Majeſty's council.

And further, we would acquaint your Excellency, that the houſe have paſſed a reſolve to take the report of this committee under conſideration at the beginning of the next ſeſſions of this court, and act thereon what ſhall appear to them to be juſt and reaſonable.

Your Excellency is pleaſed to enforce the immediate compliance of the houſe with this requiſition, by an argument drawn from a regard to the town of Boſton, the reputation of whoſe inhabitants your Excellency ſays, has already ſuffered much, for having been tame ſpectators of the violences committed, and that this diſgrace would be removed thereby. We ſee no reaſon, why the reputation of that town ſhould ſuffer in the opinion of any one, from all the evidence that

has fallen under the obſervation of the houſe; nor does it appear to us, how a compliance would remove ſuch diſgrace, if that town had been ſo unhappy as to have fallen under it.

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*Governor Bernard's Obſervations on the Proceedings for the Indemnification of the Sufferers in the Riots at Boſton.—In his Letter of the 19th of July.*

(A. *p.* 104.) He had been long uſed to term the commands of the King, requiſitions, and they have been frequently ſo called by the aſſembly, he therefore could not uſe a lower expreſſion of a command of the King's, preceded by the advice of his parliament, therefore the Governor calls it a requiſition of a ſingular nature, and ſays, that the authority of it ought to preclude all diſputation.

(B. *p.* 105.) The diſpute concerning the indemnification being an act of juſtice, runs through the whole proceedings. It has been before ſhewed, in ſupport of the governors uſing that expreſſion, how it is an act of juſtice, ſince that the Houſe of Commons have declared that the ſufferers *ought to have full compenſation made to them*; terms very expreſſive of its being an act of juſtice; and the ſecretary of ſtate, writing by the command of the King, purſuant to the addreſs of the Houſe of Commons, expreſsly ſays, that the ſentiments of the parliament are founded *on the cleareſt principles of humanity and juſtice*. If the indemnification is to be conſidered as an act of juſtice, it ought to come from the town of Boſton; if it is to be paid by the province at large, it will be an act of generoſity, that is to the town of Boſton, from whom it is in juſtice due. The people throughout the country, expect that it ſhall be paid by Boſton only. The repreſentatives of Boſton have power enough to prevent its being charged upon Boſton, but not power enough to engage the houſe to charge the province with it. And hence it is, that they are obliged to poſtpone this buſineſs, in hopes, ſome time or other, to prevail upon the houſe to charge this loſs upon the province, and exempt the town of Boſton from it, and ſo it is, that this buſineſs is put off to latter Lammas.

(C. *p.* 105.) Between the foregoing meſſage and the following anſwer to it, there paſſed a tranſaction which is proper to mention here. The houſe ſent a meſſage to the governor verbally by a committee, to deſire that he would acquaint the houſe with the informations he had received of the perſons concerned in the riots at Boſton; the Governor anſwered,

anſwered, that all his informations had been communicated by private converſations, and in ſuch a manner, that he could not make a public uſe of them at preſent; that he had never entered into a formal enquiry, nor ever examined a ſingle witneſs, although he had had offers made him of ſome who would voluntarily ſubmit to his examination, but that he declined it at firſt, becauſe the government could not ſupport itſelf in ſuch a buſineſs, and ſince, becauſe it appeared to him, that the King and parliament did not deſire ſuch an inquiry ſhould be made; that he much doubted the propriety of ſuch an enquiry, now having learnt enough to foreſee, that it would go too deep and ſpread too wide. But if the houſe ſhould determine for ſuch an inquiry, and ſhould be in earneſt in the proſecution of it, he ſhould think it the duty of the Governor and council to aſſiſt them in it, but he very much recommended it to the houſe, not to make the indemnification dependant upon, or ſubject to the reſult of the enquiry—If the houſe wants only to conſult their conſtituents, they ſhould fix upon a ſhort day to return and deſire the Governor to grant them an adjournment for that purpoſe, and time; but if they only poſtpone the conſideration of it to next ſeſſions, without giving any aſſurance of their intention to make an indemnification, or deſiring a ſhort day to determine upon it, it muſt be conſidered as a preſent refuſal, and they muſt not expect that the Governor will move this buſineſs to them any more, without ſpecial orders for it.—This was reported to the houſe, and the deliberation turned upon the giving ſome aſſurance of their making an indemnification, when it was determined to avoid giving the leaſt hint of a certain intention of making an indemnification.

(D. *p.* 106.) This is quite new: to examine the force of this plea, it it will be neceſſary to review the proceedings on this ſubject from the beginning.

On the day after the ruin of the Lieutenant Governor's houſe, or rather on the ſame day, the Lieutenant Governor repreſented the affair to the Governor in council, who thereupon appointed a committee to eſtimate the damage; as his loſs has been found to be above three-fourths of the whole, we may very well ſtate the caſe upon his inſtance only. The Governor, by the advice of the council, ſummoned the aſſembly, and at the inſtance and on the behalf of the ſufferers, recommended to the Houſe of Repreſentatives to make them

a compenſation. The houſe demurred upon it, but never once objected to the ſufferers applying through the governor's mediation, rather than immediately to the houſe (E. *p.* 106). In the next ſeſſion, which began the middle of January, nothing was done for indemnifying the ſufferers, and not one word of objection for the ſufferers not having applied to the houſe immediately, appears to have been urged by the houſe, though that ſeſſion laſted near two months. In the mean time the parliament got hold of this matter, whether by petition of the ſufferers, or on their own motion, *ex debito juſtitiæ*, does not appear. On the laſt day of May, being three days after the new aſſembly had met, the Governor received his orders from the ſecretary of ſtate, and communicated them to the houſe on the 3d day of June. For three weeks after this matter was agitated, and there were three formal debates had upon it, and as many queſtions put: there were two ſeveral anſwers given to the governor, neither of which mentioned any objection ariſing from the ſufferers not having petitioned the houſe, till after the Governor had ſent his final meſſage. This new difficulty is introduced on the laſt day of the ſeſſion, nine months after the origination of this buſineſs, and above three weeks after it came recommended by his Majeſty, at the deſire of parliament, and upon the authority of this objection, the houſe declare that they have done all at preſent that the King and parliament can reaſonably expect from them.

*P. S.* Since the writing the foregoing obſervations, a letter has been publiſhed in a Boſton newſpaper, wherein the writer endeavours to ſhew, that the Governor's urging the recommendation with too great authority, was the cauſe of its not being complied with—Had they been diſpoſed to have complied, they might have ſeparated the reſolutions of the Houſe of Commons and the ſecretary of ſtate's letter from the Governor's ſpeech, and given him to underſtand, that it was the indulgence of the former, and not the authoritativeneſs of the latter, which induced them to comply with it. But the difficulty with which that buſineſs has hitherto laboured, and is ever like to labour, is, that the country thinks it moſt reaſonable, that the charge ſhould be borne by the town only, and the town is for flinging it upon the province in general.

*Extract*

*Extract of a Letter from Major General Gage to the Duke of Richmond.* [*Received September* 29.]

*New-York, Auguſt* 25, 1766.

The firſt battalion of the 60th, or royal American regiment, was ordered to Quebec, to replace the 28th regiment, and the ſecond battalion of the 60th, marched into the interior country to relieve the poſts there. The 28th and 46th regiments ſtaid in the province, and one of them deſtined in a little time for the province of New Jerſey; but the riots in Ducheſs and Albany counties, occaſioned their being detained in this province. The number propoſed for this place, is to the amount of one regiment compleat, and a company of the royal regiment of artillery: But it is proper to acquaint your grace, that in my demand for quarters, it was neceſſary to manage matters ſo, that all the barracks here and at Albany, ſhould be ſupplied with bedding and utenſils, that the troops who ſhall march through this province, which is the route to and from the province of Quebec, as well as to and from the Upper Lakes, may be hereafter comfortably lodged, inſtead of lying on bare boards, which they have frequently done.

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*Copy of a Letter from Governor Pitkin to Mr. Secretary Conway.* [*Received October* 3.]

*Hartford, Connecticut, Auguſt* 4, 1766.

SIR,

I have the honour of your's of the 31ſt of March laſt, directed to the Governor and company of the colony of Connecticut, in which I have the honour at preſent to preſide, and ſhall take the earlieſt opportunity to communicate that and the ſeveral copies of acts of parliament therewith, tranſmitted to the general aſſembly of the colony.

It is impoſſible to expreſs or deſcribe the incredible joy with which the people of this country, in general, as well as of this colony in particular, received the moſt agreeable news of the repeal of the ſtamp-act, and which they have expreſſed by every token of gladneſs that they could exhibit. All America have been waiting in the moſt anxious ſuſpenſe for the deciſion of this great and moſt intereſting affair, have eſteemed it the very criſis of their fate, and are now full of the warmeſt gratitude for the grace and goodneſs manifeſted to them. The magnanimity, moderation and condeſcenſion,

the wiſdom, juſtice, and equity ſo ſignally diſplayed by his Majeſty and parliament, in repealing this act, have filled us with the ſincereſt joy, and the warmeſt ſentiments of the moſt reſpectful gratitude to his Majeſty and the parliament, and will, without doubt, confirm us in the ſtrongeſt diſpoſitions to a ſteady affectionate loyalty to the King, and the tendereſt affection to our mother country. I am perfectly ſenſible of the indiſſoluble union that there is between Great Britain and her colonies, reſpecting their intereſts, and that whatever prejudices the one muſt neceſſarily injure the other, and therefore earneſtly hope, that no ſymptoms of coldneſs or diſſatisfaction on any ground whatever, will now appear on the part of any of the colonies. which may tend to interrupt that harmony ſo eſſential to the happineſs and future intereſts of both countries. That nothing of ſo diſagreeable a nature appears in this colony, I can with great pleaſure aſſure you—every thing here wears the face of decent joy and humble gratitude. Nothing could add more to the great ſatisfaction we feel for the indulgence already ſhewn to us, than the aſſurance you are pleaſed to give us, that the American Trade laws are become the immediate object of parliament, and that with equal magnanimity, clemency, and juſtice, they are determined to give to the trade and intereſts of America, every relief which our real circumſtances demand or admit. This will be wiſely to perfect the good work ſo happily begun, and to eſtabliſh the union and intereſts of Great Britain and America upon a baſis that can never be ſhaken. The regulations upon the importation of foreign molaſſes and ſugars, &c. are particularly grievous to this colony, whoſe trade conſiſts chiefly of articles fit only for the Weſt-India market. Theſe regulations have, in fact, been a principal means of our poverty and inability to diſcharge our debts with the American trader and the Britiſh merchant; have really, in a manner, ſtagnated all buſineſs among us, and compelled the people, as far as poſſible, to deſiſt from the purchaſe and conſumption of Britiſh manufactures. An alteration of the laws, in this particular, would therefore give us a moſt ſenſible relief in our preſent ſituation, and be received with the greateſt gratitude and ſatisfaction.

I am particularly happy in being able to acquaint you that no violences or outrages upon private property have been committed in this colony, for which any compenſation can be expected or required.

By

By desire of the general assembly (who were together when the intelligence of the repeal just arrived, but are now enjoying a recess), I have signed and transmitted an humble address to his Majesty, to express the sincere joy and gratitude of this corporation upon this occasion, which I humbly hope his Majesty, of his paternal goodness and condescension, will be graciously pleased to accept; and the colony will be greatly obliged to you for giving it a regular and favourable introduction to the throne.

I have it also in charge to assure you, that the colony has the deepest sense of gratitude to you, and all other of his Majesty's ministers, for the great and good part you have taken in this most important affair: The remembrance of your wise and admirable conduct upon this occasion, and of your tenderness and concern for the colonies, will continue here to the latest posterity, and your names be blessed by millions in every generation. I have the honour to be, with the greatest esteem and respect, Sir, your most obedient and most humble servant,

(Signed) WILLIAM PITKIN,

*To the Right Hon. H. S. Conway, one of his Majesty's Principal Secretaries of State.*

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*Copy of a Letter from Governor Grant to Mr. Secretary Conway.* [*Received October* 24, 1766.]

*St. Augustine, East-Florida, August* 21, 1766.

SIR,

I have had the honor to receive your letter of the 31st of March, with copies of two acts of parliament just passed; the first, for securing the just dependance of the colonies upon the mother country; the second. for the repeal of the act of last session, granting certain stamp-duties in America, and you are pleased to mention, that you expect shortly to send me a third for the indemnity of such persons as have incurred the penalties imposed by the act just repealed, as such a bill was then depending, and had made a considerable progress in the House of Commons.

Though there never was any disturbance in this province on account of the stamp-act, yet every inhabitant rejoices at the repeal of it, and all of them must have the warmest and most grateful sense of his Majesty's paternal care of his colonies, and of the lenity and indulgence of parliament, and will not, I dare say, be wanting in a dutiful and affectionate

return

return to ſuch peculiar proofs of indulgence and affection on the part of his Majeſty and his parliament. I am, &c.

JAMES GRANT.

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*Copy of a Letter from Governor Tryon to the Right Hon. H. S. Conway.* [*Received November* 4.]

*Brunſwick, North-Carolina, Auguſt* 2, 1766.

SIR,

I had the honour of your letter of the 31ſt of March on the 13th of June: I got the council together the 28th of June, when I laid before them your letter, and the two acts of parliament incloſed: The one for ſecuring the juſt dependency of the colony on the mother-country; the other for the repeal of the act, granting certain ſtamp-duties in America—as I had prorogued the general aſſembly to the 30th of next October before I had the honour of your diſpatches, I conſulted the council, if the ſervice of his Majeſty, or the circumſtances of the country, required a more early meeting; they were unanimous in opinion, that conſidering the great heats of this ſeaſon of the year, and the great ſcarcity of proviſions in the country, moſt of the members would be prevented from attending the aſſembly, if called earlier than it ſtood prorogued, and thoſe who did attend, muſt ſuffer great prejudice by their abſence from their plantations; and, as the country was in perfect tranquility, and the inhabitants returned to a chearful obedience to the laws, they did not ſee his Majeſty's ſervice required a more early meeting of the aſſembly than the 30th of October.

I have the pleaſure to incloſe you, Sir, the addreſs of the borough of Wilmington, on the ſubject of the repeal of the ſtamp-act, together with my anſwer; as alſo a letter ſubſcribed by the mayor, and all the gentlemen of Wilmington, in conſequence of my anſwer to their addreſs—my reply has wound up all jealouſies on both ſides: I have reaſon to believe, that the ſenſe of theſe people are the ſentiments of the whole province, and that we ſhall meet at Newburn all in good humour. I am, &c.

WILLIAM TRYON.

ADDRESS.

## ADDRESS OF THE BOROUGH OF WILMINGTON TO GOVERNOR TRYON. With his ANSWER.

*In his Letter of Auguſt 2, 1766.* *North-Carolina.*

*To his Excellency William Tryon, Eſq; Captain General, Governor, and Commander in Chief, in and over the Province of North-Carolina, &c.*

*The Addreſs of the Corporation of Wilmington.*

SIR,

We, his Majeſty's moſt dutiful and loyal ſubjects, the mayor, recorder, aldermen and freeholders of the borough of Wilmington, beg leave to congratulate your Excellency on the repeal of the American ſtamp-act, and on the happy proſpect of the union and harmony thereby eſtabliſhed between the colonies and their mother-country.

Permit us alſo to expreſs our moſt grateful acknowledgements to the ſupreme legiſlature of Great-Britain, for their care and attention in protecting the inhabitants of his Majeſty's extenſive American dominions in the enjoyment of that ineſtimable bleſſing, Liberty, and at the ſame time releaſing them from a burthen they were unable to bear.

With hearts full of gratitude to the beſt of Kings, we aſſure your Excellency, that we ſhall be ready at all times to defend and protect his Majeſty's perſon and government, and to evince our inviolable attachment to his illuſtrious houſe, at the riſque of our lives and fortunes.

We cannot help expreſſing our concern at the many repreſentations that have been made to your Excellency, of the tranſactions of the inhabitants of this borough, and ſeveral of the adjacent counties, ſince the time of the ſtamp-act taking place: Permit us to aſſure you, Sir, that it has ever been our conſtant endeavour, as far as our influence extended, to promote the eaſe and happineſs of your Excellency's adminiſtration.

*Borough of Wilmington,* MOSES JOHN DE ROSSET, Mayor.
*June* 26, 1766.

His Excellency's Anſwer.

*To the Mayor, Recorder, Aldermen, and Freeholders of the Borough of Wilmington.*

*Gentlemen,*

It is with ſatisfaction I receive your congratulations on the repeal of the Act of parliament, granting certain ſtamp-duties in America.

The

The grateful acknowldgements you expreſs to the ſupreme legiſlature of Great Britain, for their care and attention to the liberties of the inhabitants of his Majeſty's American dominions, and alſo your affectionate and inviolable attachment to his Majeſty's ſacred perſon, family, and government, as they are extremely grateful to me, I ſhall, with a ſenſible pleaſure, tranſmit thoſe warm ſentiments of reſpectful gratitude and duty to his Majeſty's principal ſecretary of ſtate.

I truſt that the moderation and unparalleled lenity ſo remarkably manifeſted by his Majeſty and the parliament to the colonies, will diſpoſe the inhabitants to that chearful obedience to the legiſlative authority of Great Britain, on which their future proſperity ſo much depends; ſuch a conduct will prove the ſtrongeſt cement for the moſt firm and happy union between the mother country and her colonies.

I profeſs, gentlemen, I am at a loſs to anſwer that part of your addreſs, wherein you mention miſrepreſentations having been made to me of the conduct of the inhabitants of the borough of Wilmington. I declare what impreſſions I have conceived of them, aroſe from a behaviour that came immediately under my own obſervation.

*Brunſwick, June* 26, 1766.

A true copy, taken from the original, this 2d of Auguſt, 1766. FOUNT. ELWIN, Priv. Sec.

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*Addreſs of the Mayor and Gentlemen of Wilmington to Governor Tryon. With his Anſwer.—In his Letter, Auguſt* 2.

*May it pleaſe your Excellency,*

SIR,

IT is with extreme concern we have obſerved in your Excellency's letter to the addreſs of the corporation of Wilmington, expreſſions which may be conſtrued to charge that borough with ſome marks of intentional diſreſpect towards your Excellency—a conduct from the conſciouſneſs of our hearts we can with the greateſt juſtice diſclaim, and which, from a love of order and regard to decency, we ſhould ſincerely condemn, not only as inconſiſtent with that dutiful affection towards his Majeſty's repreſentative, which we ſhall always endeavour to cultivate, but with the grateful return of ſentiment which your perſonal merit juſtly claims.

If oppreſſed by the late act, ſome commotions of the country ſeemed to threaten a departure from moderation, your Excellency, we hope, will not impute theſe tranſactions

tions to any other motive, than a conviction, that moderation ceaſes to be a virtue, when the liberty of the Britiſh ſubjects is in danger; but the greater the danger was, the more reaſon we have to applaud the honour and juſtice of the Britiſh parliament, whoſe prudent reſolutions have relieved us from the melancholy dilemma to which we were almoſt reduced.

From his Majeſty, whoſe heart ever rejoices in the happineſs of his people, we moſt humbly and thankfully receive this mark of attention to the diſtreſſes of his American ſubjects, and ſhall always return his royal protection and regard, with all the affection and obedience of the moſt loyal ſubjects of a free kingdom, joined to that filial duty and conſtitutional connection on which our future happineſs and exiſtence entirely depends.

Amidſt the variety of diſagreeable events which the late commotions occaſioned, we have with great indignation obſerved, in the Barbadoes Gazette of the 19th of April, a paragraph as void of decency as it is of truth, well aſſured, that your Excellency's conduct has been always regulated by no other motive than a generous concern for the public good, and that duty which you, Sir, and we all owe to a ſovereign ever intent on the welfare of his people, ſupported by an ardent deſire to promote the particular happineſs of a province committed to your charge. We are, &c.

*July* 28, 1766. (Signed by nineteen perſons.)

*Gentlemen*, *Brunſwick*, *Auguſt*, 2, 1766.

As your letter of the 28th of laſt month has removed thoſe aſperſions I felt you had laid on my character in your addreſs to me on the 26th of June, I am now willing to forget every impropriety of conduct any of the ſubſcribers, and the town of Wilmington have ſhewn perſonally towards me in the late commotions. I thank you, gentlemen, for the teſtimony you give me of your approbation of my general conduct, but my acknowledgements are more expreſsly due for the juſtice you do me in ſuch part of my conduct as has been traduced by the Barbadoes Gazette of the 19th of April laſt. I am, &c.

WILLIAM TRYON.

*To Moſes John De Roſſet, Eſq; Mayor, and the Gentlemen of the Borough of Wilmington.*

*Copy*

*Copy of a Letter from Horatio Sharpe, Eſq; Deputy Governor of Maryland, to Mr. Secretary Conway.*
[*Received November* 7.]

SIR, *Annapolis, June* 27, 1766.

Having lately had the ſatisfaction to receive the letter you was pleaſed to favour me with the 31ſt of March laſt, incloſing copies of the two acts of parliament which had then paſſed; one for ſecuring the juſt independency of the colonies on the mother country; the other for the repeal of the act, granting certain ſtamp-duties in America, I now do myſelf the honour to acknowledge my receipt thereof, and alſo of the copy therewith tranſmitted of the reſolutions of the Houſe of Commons, which, together with your letter, I ſhall lay before the aſſembly of this province as ſoon as they meet, which, however, cannot be before the end of ſummer. As ſoon as copies of the two above-mentioned acts of parliament came to my hands, I cauſed them to be publiſhed, and had the ſatisfaction to hear and ſee that the inhabitants of this province in general were affected with a proper ſenſe of the moderation, forbearance and lenity of the Britiſh parliament, lately manifeſted with reſpect to the colonies; and I flatter myſelf they are already diſpoſed to pay the moſt chearful obedience to the legiſlative authority of Great-Britain, and all the laws now exiſting. Tranquility and good order is now perfectly reſtored here, and the late diſtractions will, I hope, ſoon be forgotten; the reſentment ſome time ago expreſſed againſt the perſon that was appointed to diſtribute the ſtamp-papers here, is intirely ſubſided, and he now reſides and carries on buſineſs in this place to as great extent and advantage as he did before his appointment. Such a ſudden alteration in the face of things, and in the behavious of the people, encourages me to hope, that there is an end of all uneaſineſs, diſcontent and murmurings, and am inclined to think his Majeſty's ſubjects within this province, will, for the future, be more ſtudious than ever, to demonſtrate to our moſt gracious ſovereign their loyalty, duty and gratitude, and to the mother-country their thankfulneſs and affection. You may, Sir, be aſſured, that no endeavour of mine ſhall be wanting to inſtill and encourage ſuch ſentiments, and to effectuate what you are pleaſed to recommend. I am, &c.

HORATIO SHARPE.

*Governor*

*Governor Bernard's Letter to the Earl of Shelburne.*
[*Received December* 29.]

*My Lord,* *Boſton, November* 14, 1766.

By my letter, dated July 19th, I informed your lordſhip, that if there ſhould be any opening for me to expect that the houſe would act in the buſineſs of the compenſation, in a different manner from what they had done, I ſhould not fail to avail myſelf of it. I am, therefore, now to inform your lordſhip of the ſecond trial I have made for getting this buſineſs done, with the event of it, and, in order to explain theſe proceedings more fully, I muſt beg leave to delineate to your lordſhip the real difficulties which have prevented this buſineſs being done, as they appear very little in the journal of the houſe, and pains have been taken that they ſhould not appear, although they are notorious to every perſon in the province who thinks upon the ſubject.

The riotous proceedings at Boſton were generally abhorred by the beſt men in the province, and by much the greater part of the common people, and therefore when a compenſation to the ſufferers was firſt talked of, it was the general opinion that it ought to be made, but that it was due from the town of Boſton only, and not from the province in general. This opinion was very prevalent when Mr. Secretary Conway's letter, dated the 31ſt of March, arrived here on the laſt day of May; and this was the reaſon why the members of Boſton, contrary to the real intereſt of the town, determined to oppoſe the making a compenſation even out of the treaſury. In which way, if they had at that time with their party joined the friends of government, it might have been done—But they were apprehenſive that if the money was ordered to be paid out of the treaſury, it would be then moved that it ſhould be charged upon the town of Boſton, which, as the tax-bill was to be paſſed at that time, might have been done with the daſh of a pen—They therefore reſolving to oppoſe the granting the compenſation that ſeſſion, turned the whole buſineſs into evaſions and ſubterfuges, to give pretended reaſons for their not complying, and to conceal the true one.—The reaſons given, were, firſt, that it was a buſineſs of too much importance to tranſact without conſulting their conſtituents; ſecondly, that the ſufferers had not applied to them in a parliamentary way, that is, by petitioning the houſe.

It

It was not long before they received repeated advices, that the general opinion in England was, that the honor of parliament was engaged to ſee the compenſation made, and they would certainly take it up where the provincial aſſembly refuſed it. And it was very obvious, that the parliament might inforce the payment of a ſum of money from a ſea-port town, or from a maritime province, without infringing any rule of right laid down by the moſt ſanguine advocate for the colonies, or even claimed by themſelves in form. The people of Boſton therefore began to be uneaſy, that this money was not paid—a town meeting was called, and inſtructions were given to their members, to uſe their utmoſt endeavours to get the money paid out of the treaſury. This was a ſignal for me to call the aſſembly, which I had kept prorogued by ſhort intervals, in order to take hold of the firſt fair opportunity that offered, and I accordingly gave notice that the aſſembly would meet at the time it was then prorogued to.

In the mean time, one of the pretences which had been made uſe of the laſt ſeſſion, to excuſe the granting the compenſation, had an effect contrary to what was expected, or at leaſt foreſeen. As the neceſſity of conſulting their conſtituents in form, which they would not have done otherwiſe. This produced a number of inſtructions againſt paying the money out of the treaſury, which prevailed very much among the repreſentatives of towns, diſtinguiſhed for their attachment to government, many of which were ſo poſitive againſt paying the money out of the treaſury, that many members ſtaid away to avoid appearing againſt government, and others were obliged to come fettered with inſtructions to act againſt it. Among theſe people, the general reaſoning was, that as it was notorious that the diſturbances aroſe entirely within the town of Boſton, it was not only unjuſt that the whole province ſhould be charged with the damages done by them, but if they were to conſent to the payment out of the treaſury, they ſhould thereby acknowledge themſelves to be partakers of proceedings, of which they had always expreſſed their deteſtation and abhorrence. This was argued particularly at the meeting at Salem, the ſecond town in the province, and always noted for its attachment to government, which, however, its members were not allowed to ſupport upon this occaſion only.

Upon

Upon the meeting of the aſſembly, I determined to ſay nothing that could poſſibly be perverted, and in general to avoid interfering with the houſe in any manner: I accordingly made the ſpeech I herewith incloſe, in full evidence that it could not receive a rude anſwer. I was ſoon informed, that a majority of the houſe had inſtructions againſt granting the compenſation out of the treaſury, the only method that could be propoſed with any proſpect of ſucceſs. The grant was ſtrongly urged by the members for Boſton, in which they were ſupported by ſome of the ableſt friends of government, and oppoſed by only one man of ability, who in that inſtance ſeemed to be infatuated. The argument was entirely on the ſide of the compenſation, and was much aſſiſted by the examination of ſome gentlemen from England, to ſhew the aſſurances which had been given by the friends of the colonies, that this compenſation will be cheerfully made, and the almoſt certain probability that the parliament would not acquieſce in the refuſal of it, but the bad weight of the inſtructions could not be got over, although there was a general conviction throughout the houſe, that the compenſation ought to be made. I muſt again repeat, that the Boſton members exerted themſelves for the queſtion in this ſeſſion, as much as they did againſt it in the laſt, but they were defeated by their former machinations, otherwiſe I believe it would have been carried without a diviſion.

After a litigation of a fortnight, in which the queſtion was put in different forms two or three ſeveral times, and loſt by no great majority, this expedient was hit upon: That they ſhould bring in a bill for compenſating the ſufferers, in which the ſums ſhould be aſcertained (the miſreport of which was ſuppoſed to have hurt the cauſe), and alſo for indemnifying the rioters, and that the bill ſhould be printed for the conſideration of the conſtituents, and the governor ſhould be deſired to grant a receſs for that purpoſe —This paſſed with little or no oppoſition, and a bill was accordingly brought in and printed, and a meſſage was ſent to me accordingly—Two hours after this I received your lordſhip's letter: I immediately communicated it to both houſes, and gave the houſe of repreſentatives time to conſider of it, which was only ſpent in fruitleſs altercations, without any attempt to reſume the buſineſs: I therefore adjourned the general court for three weeks, being the earlieſt day I could

appoint.—I incloſe copies of the meſſage to me, and my ſpeech upon the adjournment.

After the adjournment had paſſed, and before I had left the chair, it was obſerved in the council, that the houſe had not ordered your lordſhip's letter to be printed, as it is uſual to do in caſes where ſuch publication is like to facilitate the buſineſs recommended. It was therefore moved, that the governor be deſired to order the letter to be printed, as it would tend very much to conciliate the minds of the people to the compenſation, and to remove the ill-humour prevailing among them. This having the unanimous voice of the council, I aſſented to it, being fully of the ſame opinion. I muſt beg your lordſhip will let the occaſion apologize for my taking this liberty, if there ſhould be an impropriety in it, which at preſent I do not ſee, as theſe kind of publications are not uncommon in this government. I am, &c.

FRANCIS BERNARD.

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*The Speech of the Governor of Maſſachuſett's Bay, October 29, 1766—The Anſwer of the Houſe, Nov. 12.—The Speech of the Governor, Novem. 13.—In his Letter of the 14th of Novem. 1766.*

*His Excellency's Speech to both Houſes of Aſſembly at the opening of the Seſſion.*

*Gentlemen of the Council, and Gentlemen of the Houſe of Repreſentatives,*

I Have thought proper to call you together, that you may have an opportunity to give a poſitive anſwer, to what I recommended to you by order of his Majeſty laſt ſeſſion, as it will be expected of me that it will be reported to his Majeſty before the opening of the buſineſs of the next year, and I heartily wiſh that it may be ſuch as will anſwer the expectations and deſire of your friends in Great-Britain. For my own part, I ſhall, upon this occaſion, as upon all others, make the beſt uſe of the means you ſhall put in my hands, to promote the honor and reputation of the province.

As you are called together for this buſineſs only, when it is finiſhed, I ſhall have no objection to your returning home, until the uſual time of opening the winter ſeſſion.

*Council-Chamber,* FRANCIS BERNARD.

The

The following is the anſwer of the Honourable Houſe of Repreſentatives to his Excellency the Governor's ſpeech at the opening of the ſeſſion.

*May it pleaſe your Excellency,*

Your ſpeech to both houſes at the opening of the preſent ſeſſion, has been repeatedly under the moſt deliberate conſideration of the houſe of repreſentatives.

It was indeed, Sir, with great reluctance, that the houſe found themſelves under the neceſſity of having recourſe to your former ſpeech and meſſage upon this occaſion, but as you are pleaſed to refer us to them, without ſaying any thing to qualify them, the houſe cannot help obſerving, that the manner in which your Excellency has repeatedly propoſed a compenſation to the ſufferers, has been derogatory to the honor of the houſe, and in breach of the privileges thereof: —that the terms you have made uſe of, have been eſſentially different from thoſe dictated to you by his Majeſty's expreſs command, ſignified in a letter from his ſecretary of ſtate— that they tended to weaken the inherent uncontroulable right to the people to diſpoſe of their own money to ſuch purpoſes as they ſhall judge expedient, and to no other: and that under theſe apprehenſions, it is not improbable ſome of the towns may have framed their inſtructions to their repreſentatives againſt a compenſation out of the public treaſury.

The houſe, however, with the moſt dutiful and profound reſpect, have attended to his Majeſty's moſt gracious and mild recommendation, and obſerve, that it is his pious and benevolent intention, that not only a compenſation ſhould be made to the ſufferers in the late times, but alſo that a veil be drawn over every diſgraceful ſcene, and to forgive, and even to forget the undutiful behaviour of any of his ſubjects in thoſe unhappy times.

Confirmed in the opinion that an indemnification of the offenders, is of equal importance and neceſſity with the making compenſation to the ſufferers, and being ever ready with the utmoſt cheerfulneſs, to unite their endeavours in promoting the wiſe and moſt gracious purpoſes of their rightful ſovereign, in conformity to the ſpirit of Mr. Secretary Conway's letter, the houſe have framed a bill, intitled, " An Act for granting Compenſation to the Sufferers, and

general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

This bill they have ordered to be publiſhed for the conſideration of the ſeveral towns, and humbly pray your Excellency would pleaſe to give them a receſs for that purpoſe.

His Excellency the Governor's ſpeech at the adjournment of the court, Nov. 13, 1766.

*Gentlemen of the Houſe of Repreſentatives,*

In the letter of the Earl of Shelburne, which I laid before you, you have a ſecond teſtimony from another of his Majeſty's ſecretaries of ſtate, of the tenderneſs and affection towards the people under my government, with which I have conducted myſelf during the late diſputes, and therefore, I ſhall make no other anſwer to the ungenerous inſinuations in your meſſage of yeſterday, than by referring to your own journals, from whence it will evidently appear, that it is from among yourſelves, and not from me, that the difficulties which have prevented your making a compenſation to the ſufferers have aroſe.

I am very ſorry that you have not already complied with what has been recommended to you, but it is ſome ſatisfaction to me, that you have laid a foundation for compleating this buſineſs, which I hope will not fail of ſucceſs. The importance of the affair, and the haſty approach of the new year, will not allow the loſs of a day which can be ſaved, and therefore I ſhall make the receſs which you deſire as ſhort as poſſible; and that you may do the buſiueſs with as much credit to yourſelves as may be, I ſhall continue the ſeſſion until you can come to a final determination.

*Council-Chamber.* FRANCIS BERNARD.

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*Copy of a Bill for granting Compenſation to the Sufferers, &c. —In Governor Bernard's Letter of the 14th of Nov. 1766.*

The following bill now depending in the Houſe of Repreſentatives, is publiſhed by their orders, for the conſideration of the ſeveral towns in this province.

A bill intitled, "An Act for granting Compenſation to the Sufferers, of free and general Pardon, Indemnity and Oblivion to the Offenders in the late Times."

Whereas the King's moſt Excellent Majeſty taking into his gracious and ſerious conſideration, the troubles, diſcords, inſur-

inſurrections, tumults, and riots which have lately happened in America, and that divers of his ſubjects have thereby ſuffered greatly in their property, and others by occaſion thereof, and otherwiſe, have fallen into, and are obnoxious to great pains and penalties, out of a hearty and pious deſire that ſuch ſufferers be compenſated, and to put an end to all ſuits, controverſies, and proſecutions, that by occaſion of the late diſtractions have ariſen, or may ariſe between any of his Majeſty's ſubjects, and to the intent that a veil be drawn over the late unhappy exceſſes, has been pleaſed graciouſly to ſignify his deſire to forgive and forget them, at the ſame time of his abundant clemency, recommending a compenſation to the ſufferers in their property, with ſuch a conduct in general, as ſhall be at this great criſis the beſt means of fixing the mutual intereſt and inclination of Great-Britain and her colonies, on the moſt firm and ſolid foundation.

From a grateful ſenſe of his Majeſty's grace and clemency, in order to promote internal peace and ſafety, to make compenſation to the ſaid ſufferers, and as a means, ſo far as in our power, of demonſtrating to all the world, our ſenſe of the happineſs we enjoy, in being a part of the Britiſh empire, and intitled to the rights, liberties, and privileges of Britiſh ſubjects, we his Majeſty's moſt dutiful and loyal ſubjects, the repreſentatives of the commons in this province, in the great and general court aſſembled, of our free and good will, have reſolved to give and grant, and pray that it be enacted.

And be it accordingly enacted, by the Governor, council, and houſe of repreſentatives, that there be granted and paid out of the public treaſury of this province, to the Hon. Thomas Hutchiſon, Eſq; the ſum of £.3194 17*s.* 6*d.*

To the Hon. Andrew Oliver, Eſq; the ſum of £.172. 4*s.*

To Benjamin Hallowell, jun. Eſq; the ſum of £.385. 6*s.* 10*d.*

To William Story, Eſq; the ſum of £.67 8*s.* 10*d.* in full compenſation for their loſſes and ſufferings in the late times of confuſion.

And be it further enacted, that all riots and unlawful aſſemblies, councelled, commanded, acted, done, or made within this province between the 1ſt day of Auguſt, 1765, and the 1ſt day of May, 1766, and all burglaries, felonies, and breaches of the peace whatſoever, committed in, by, or during ſuch riots, routs, and unlawful aſſemblies, be, and hereby

are pardoned, releaſed, indemnified, diſcharged, and put in utter oblivion, and that all and every the perſon or perſons, acting, adviſing, aſſiſting, abetting and counſelling, the ſame be, and are hereby pardoned, releaſed, acquitted, indemnified and diſcharged from the ſame, and of, and from all pains of death, and other pains, judgments, indictments, convictions, penalties and forfeitures, theretofore had or given, or that might accrue for the ſame, and that all ſuch indictments, convictions and forfeitures, are hereby declared null and void.

And be it further enacted, that any perſon indicted or preſented, or in any manner proſecuted, or that ſhall or may be hereafter indicted, preſented, or in any manner proſecuted, for any of the offences by this act pardoned, may plead the general iſſue, and give this act in evidence, which ſhall be ſufficient to acquit him.

Provided that nothing in this act contained, ſhall extend to the pardoning, or give any benefit whatever to any perſon who is, or may be unlawfully poſſeſſed of any goods or chattels, taken or ſtolen from any perſon, unleſs the poſſeſſor ſhall, within thirty days after the publication of this act, have ſurrendered and delivered them up to the owner.

Provided alſo, that nothing in this act ſhall extend to the barring any civil action of treſpaſs for damages, ſuſtained by any perſon, not compenſated by this act.

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*Extract of a Letter from Governor Ward to the Earl of Shelburne.* [*Received January* 21, 1767.]

*Newport, Rhode-Iſland, Nov.* 6, 1766.

THE military ſtores and proviſions furniſhed by the colonies in the year 1756 for the provincial troops, were by directions from the Earl of Loudon, commander in chief of his Majeſty's forces in North-America, taken into the King's magazines, and the colonies were, on the behalf of the crown, promiſed payment for them. The other colonies, upon preſenting their accounts, received the money accordingly; but this colony unhappily neglecting to tranſmit their accounts (amounting to £.4211 19*s.* 7*d.*) in ſeaſon, an objection aroſe when they were preſented, to the payment of them, and they were referred to the then ſecretary at war and pay-maſter general, who propoſed a deduction of £.1209. 14*s.*—Thus the matter reſted for ſeveral years, when the agent for this colony was introduced to renew his appli-

application for payment of thoſe accounts; upon which, they were again referred to the ſecretary at war and the pay-maſter general, who after ſome further deduction, reported "that there was due and payable to the colony, £.2672 18*s.* 11*d.*" which ſum the colony expected the agent would ſoon have received, but in his laſt letter he informs me, that upon application for the money, he received a poſitive anſwer from the lords of the treaſury, "That as a requiſition was gone from the crown to the colony, the treaſury-board thought fit to ſuſpend the payment of the money, until an anſwer came from the colony relating to that requiſition." The general aſſembly, upon receipt of this letter, requeſted me to lay the matter before his Majeſty's principal ſecretary of ſtate for this department, and I have accordingly given your lordſhip this ſhort account of the affair.

I beg leave to obſerve to your lordſhip, that this colony really paid the whole ſum charged for the ſeveral articles in their accounts, ſo that if the ſum reported to be due be paid, they will ſuffer an actual loſs of upwards of 1500 pounds, beſides the damage they have ſuſtained, by being kept out of the money ten years—intereſt for which, they have paid ever ſince at the rate of ten *per cent. per annum.*

This colony, my lord, ſurrounded on all ſides by the Maſſachuſett's-Bay, Connecticut, and the ſea, and not expoſed to the attacks of the enemy upon this continent, were animated ſolely by a zeal for his Majeſty's ſervice, and the honour and dignity of his crown, to exert themſelves in the common cauſe of Britain and America, in ſuch a manner as to merit and receive the approbation of his Majeſty's Miniſters and Generals, and ſo far beyond their ability, that they are now actually involved in a moſt heavy debt, for which, by reaſon of the ſcarcity of money, they have been, and for years to come, will be obliged to pay a very high intereſt. From theſe conſiderations, the detention of the balance reported to be due, occaſions great uneaſineſs, and is conſidered as a peculiar hardſhip by his Majeſty's loyal ſubjects in this colony—The more eſpecially, as all the other colonies have long ſince received the monies due to them upon the ſame account.

I muſt alſo beg leave to ſubmit to your lordſhip, whether this ſuſpenſion of payment may not be conſidered rather as a mode of compelling the colony to grant monies to the

perſons who have ſuffered, than as a recommendation of the ſufferers, whether it will not have a manifeſt tendency to diſcourage the colonies from exerting themſelves in the ſame vigorous manner for his Majeſty's ſervice for the future, and whether, conſidering his Majeſty's inviolable and tender regard for the rights and privileges of all his ſubjects, a meaſure ſo coercive can be ſuppoſed agreeable to his royal intentions.

I am alſo, at the requeſt of the general aſſembly, to aſſure your lordſhip, that the opinion that the rioters in this colony were countenanced in their depredations by any perſon of note or conſequence, is ſo far as the members of the aſſembly have any knowledge or information thereof, entirely groundleſs, and that when the ſufferers ſhall make a proper application to the aſſembly, they will conſider the ſame, and do them all the juſtice the nature of their caſes ſhall require.

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*Extract of a Letter from Sir Henry Moore to the Earl of Shelburne.* [*Received February* 4, 1767.]

*New-York, Dec.* 19, 1766.

"The letter which I had the honour of receiving from your lordſhip, dated the 9th of Auguſt, was laid before the houſe of Aſſembly the 17th of laſt month, accompanied by a meſſage.

"Yeſterday the incloſed addreſs was preſented to me in anſwer to my meſſage."

*Copy of Governor Sir Henry Moore's Meſſage to the General Aſſembly of New-York.—In his Letter of the 19th of December,* 1766.

*Nov.* 17, 1766.

*Gentlemen of the General Aſſembly,*

In conſequence of a report made to the Lords Commiſſioners for Trade and Plantations, of the act paſſed in the laſt ſeſſions of aſſembly, for providing barracks, fuel, &c. for his Majeſty's troops quartered in this city, and my letter to the ſecretary of ſtate on the ſame occaſion, I have had the honour of the following letter from the Earl of Shelburne.

[*Here follows his Lordſhip's Letter of the 9th of Auguſt,* 1766—*ſee p.* 92.]

I flatter myſelf, that on a due conſideration of this letter, no difficulties can poſſibly ariſe, or the leaſt objection be made

made to the proviſion for the troops, as required by the act of parliament.

*Fort George, Nov.* 17, 1766. H. MOORE.

## ADDRESS of the GENERAL ASSEMBLY of NEW-YORK to Sir HENRY MOORE,

*In his Letter of December* 19, 1766.

*To his Excellency Sir Henry Moore, Bart. Captain-General and Governor in Chief, in and over the Colony of New-York, and the Territories depending thereon in America, Chancellor and Vice-Admiral of the ſame.*

*The humble Addreſs of the General Aſſembly of the ſaid Colony.*

*May it pleaſe your Excellency,*

WE his Majeſty's moſt dutiful and loyal ſubjects, the general aſſembly of the colony of New-York, have taken your Excellency's meſſage of the 17th of November laſt into our moſt ſerious conſideration, and beg leave to aſſure your Excellency, that nothing would give us greater pleaſure, than to find it in our power to comply with every requiſition, tending in any manner to promote his Majeſty's ſervice—It is, therefore, with great concern, that we find it impoſſible to comply with what is now demanded, conſiſtent with our obligations to our conſtituents. We ſhall always be ready to give the ampleſt teſtimony of our loyalty to his Majeſty, and ſubmiſſion to his government, from which we humbly conceive we do not deviate, when we ſhew a regard to the intereſts of his faithful ſubjects in this colony, abſolutely neceſſary for their preſervation.

We hope it will be conſidered, that we are choſen to make ſuch a proviſion for the ſupport of his Majeſty's government in this colony, (as well as for other important purpoſes) as is moſt ſuitable to the circumſtances of the people we repreſent, and that we ſhould be guilty of a breach of that moſt ſacred truſt, if we ſhould load them with burthens they are incapable of ſupporting.

In the proviſion we made laſt ſeſſion for quartering two battalions and one company of artillery, we loaded ourſelves with a burthen much greater than any of the neighbouring governments lie under for that ſervice, and imagined, that far from being cenſured on that account, it would be accepted as a new inſtance of that loyalty and affection to his Majeſty's

govern-

government, of which this colony has exhibited ſo many proofs.

We beg leave further to repreſent to your Excellency, that by the act of parliament, it appears to be the intention of the legiſlature, to provide for the quartering ſoldiers only on a march:—But according to the conſtruction put on it here, it is required that all the forces which ſhall at any time enter this colony, ſhall be quartered, during the whole year, in a very unuſual and expenſive manner—That by the marching ſeveral regiments into this colony, this expence would become ruinous and unſupportable, and therefore we cannot, conſiſtent with our duty to our conſtituents, put it in the power of any perſon (whatſoever confidence we may have in his prudence and integrity) to lay ſuch a burthen on them.

We ſhould be very ſorry to differ with your Excellency on this, or any other political ſubject, and therefore it is proper to offer theſe matters to your conſideration, in hopes that they will be ſufficient to demonſtrate, that the objections againſt making the proviſion required, are of a nature the moſt ſerious and weighty imaginable, and therefore we humbly intreat your Excellency to ſet our conduct in the moſt favourable, that is, in its true light, by repreſenting that our non-compliance on this occaſion proceeds intirely from a juſt ſenſe of what our duty requires. By order of the General Aſſembly.

*Aſſembly-Chamber*, W. NICOLL, Speaker.
*December* 15, 1766.

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*Extract of a Letter from Governor Franklin to the Earl of Shelburne.* [*Received February* 4, 1767.]

*Burlington, New-Jerſey, December* 18, 1766.

I Should mention, however, that in the "act for ſupplying the ſeveral barracks erected in this colony, with furniture and other neceſſaries for accommodating the King's troops, in or marching through this colony," they have, inſtead of ſpecifying the ſeveral articles required to be furniſhed by the act of parliament, empowered the barrack maſters to provide "firewood, bedding, blankets, and ſuch other neceſſaries, as have been heretofore uſually furniſhed to the ſeveral barracks within this colony." I did all I could to prevail on them to inſert the very words of the act of parliament, and to impower the barrack-maſters to furniſh, at the expence of the province, the ſame articles as were therein required: —But

—But it was to no purpoſe; they ſaid they had always furniſhed every thing which was neceſſary that the officers and ſoldiers who had been quartered here, never complained, but, on the contrary, many of them acknowledged they were better accommodated here than they had ever been at barracks in Europe; they added, that they looked upon the act of parliament for quartering ſoldiers in America, to be virtually as much an act for laying taxes on the inhabitants as the ſtamp-act, and that it was more partial, as the troops were kept in a few of the colonies, whereby others were exempted from contributing any thing towards the expence. I was therefore obliged to take the act as it was tendered, or to let his Majeſty's troops remain unprovided with neceſſaries—I have, however, the pleaſure of finding the regiment ſtationed in this province perfectly ſatisfied with their quarters—No complaints whatever have been made to me, and I believe there are but few, if any articles of conſequence, required by the act of parliament, but what they are furniſhed with here.

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*Copy of an Act paſſed in New-Jerſey, appointing Commiſſioners for ſupplying the ſeveral Barracks erected in this Colony, with Furniture and other Neceſſaries for accommodating the King's Troops, in or marching through that Colony, &c.—In Gov. Franklin's Letter of the 18th of December, 1766.*

"An Act, appointing Commiſſioners for ſupplying the ſeveral Barracks erected in this Colony, with Furniture and other Neceſſaries for accommodating the King's Troops, in or marching through this Colony, and for defraying other incidental Charges."

I. WHEREAS by an act of the legiſlature of this colony, paſſed in the fifth year of his preſent Majeſty's reign, certain commiſſioners therein named, were impowered and required to ſell all the periſhable furniture belonging to the ſeveral barracks in this colony, and as it is requiſite that the ſaid barracks ſhould be provided with blankets, beds, and other neceſſaries for the reception of the King's troops as may occaſionally march through this colony; Therefore

II. Be it enacted, by the Governor, Council, and General Aſſembly; and it is hereby enacted by the authority of the ſame, that Daniel Ellis, Joſeph Hollingſhead, Abraham Hunt, Alexander Chambers, Hendrick Fiſher, Reuben Runyon,

Runyon, Samuel Sarjant, Thomas Skinner, Robert Ogden, and John Blanchard, be, and they are hereby appointed commiſſioners for the ſeveral barracks in this colony, that is to ſay, Daniel Ellis and Joſeph Hollingſhead for the barracks at Burlington, Abraham Hunt and Alexander Chambers for the barracks at Irenton, Hendrick Fiſher and Reuben Runyon, for the barracks at New Brunſwick, Samuel Sarjant and Thomas Skinner, for the barracks at Perth Amboy, Robert Ogden and John Blanchard, for the barracks at Elizabeth Town.

III. And be it further enacted, by the authority aforeſaid, that it ſhall and may be lawful, for the ſaid commiſſioners, and the ſurvivors of them, at each reſpective place aforeſaid, for which they are appointed commiſſioners as aforeſaid, and they and the ſurvivors of them are hereby impowered to purchaſe firewood, bedding, blankets, and other neceſſaries, as have been heretofore uſually furniſhed to the ſeveral barracks within this colony, and it ſhall, and may be lawful for either of the treaſurers of this colony, to pay to the ſaid Daniel Ellis, Joſeph Hollingſhead, Abraham Hunt, Alexander Chambers, Hendrick Fiſher, Reuben Runyon, Samuel Sarjant, Thomas Skinner, Robert Ogden, and John Blanchard, or any two of them, ſuch ſums of money as may be wanted for the ſervice aforeſaid, not exceeding the ſum of one hundred pounds, for the uſe of each of the ſaid five barracks in this colony, out of the money made current for the ſervice of the late war, or now in the treaſury, and orders with a receipt thereon, or receipts ſigned by the aforeſaid commiſſioners, or any two of them, when produced by the ſaid treaſurers, or either of them, to the General Aſſembly, ſhall diſcharge the ſaid treaſurers reſpectively, their heirs, executors, and adminiſtrators, of, and from ſo much as they ſhall have paid, by virtue of this act, and the ſaid commiſſioners, their heirs, executors, and adminiſtrators, are hereby made accountable to the General Aſſembly of this province, for all ſuch ſums of money as they ſhall reſpectively receive in purſuance of this act.

IV. And be it enacted, by the authority aforeſaid, that the commiſſioners aforeſaid, and the care of the ſeveral barracks within this colony, ſhall be under the ſame regulations as in, and by the aforeſaid recited act, is required and directed.

V. And

V. And whereas it is reaſonable that ſundry incidental charges of this colony ſhould be paid; be it enacted, by the authority aforeſaid, that there be paid out of the public monies, now in the hands of the treaſurers of this colony, the ſums following; viz.

To the Hon. John Stevens, Eſq; two pounds, ſeven ſhillings, and four pence, for ſending an expreſs into this colony to inform the inhabitants of a large ſum of counterfeit Jerſey bills of credit, being arrived in a veſſel from England.

To the perſons who apprehended John Johnſon, John Fagan, and John Grimes, the ſum of thirty pounds, to be paid to Benjamin Davids and John Robins, and appropriated in manner following; to wit: To Benjamin Davids, for his activity in taking, and expences in carrying the felons to gaol, the ſum of ten pounds:—To John Robins, for his extraordinary activity, the ſum of ſix pounds—the remainder of ſaid thirty pounds to be paid to the other perſons concerned in ſearching for, and ſecuring the ſaid felons, in ſuch proportion as the ſaid Benjamin Davids and John Robins ſhall adjudge the ſame.

To Cortland Skinner, Eſq; two pounds, ten ſhillings, for an expreſs to New-York during the ſitting of this ſeſſion.

To John Allen, late barrack-maſter at Irenton, in full of his account, thirty-nine pounds, ſeventeen ſhillings, and nine-pence.

All which ſaid ſeveral ſums laſt mentioned, ſhall be paid to the ſeveral perſons by the treaſurers of this colony, or either of them, on warrants to be produced to them, or either of them, ſigned by the Governor, or commander in chief for the time being, in council, and the warrants ſo ſigned, with indorſements thereon, made by the perſons to whom the ſame ſhall reſpectively be made payable, ſhall be ſufficient vouchers to diſcharge them the ſaid treaſurers, or either of them, and their, or either of their heirs, executors, and adminiſtrators, of, and from ſo much of the ſaid money.

*June* 25, 1766.

This bill having been three times read in the Houſe of Repreſentatives, Reſolved that the ſame do paſs. By order of the houſe.

CORTLAND SKINNER, Speaker.

*Council-*

*Council-Chamber, June* 26, 1766.

This bill having been three times read in council,—Reſolved that the ſame do paſs. By order of the houſe.

PETER KEMBLE, ſpeaker.

*Perth Amboy, June* 28, 1766.

I aſſent to this bill, enacting the ſame, and order it to be inrolled.

WILLIAM FRANKLIN.

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*Extract of a Letter from Governor Bernard to the Earl of Shelburne.* [*Received February* 9, 1767.]

*Boſton, December* 6, 1766.

I Have the honour to inform your lordſhip, that the act for making a compenſation to the ſufferers by the late riots, paſſed the two houſes, and received my conſent this day, being the fourth from their meeting, after the adjournment. The act has received very little alteration from the bill which I ſent to your lordſhip, with my letter of the 14th of November. It paſſed the Houſe of Repreſentatives by fifty-two againſt thirty-five, and in the Council fourteen to one.

The conſiderable majority in the houſe, and the almoſt unanimous voice of the Council, together with the diſpatch with which it has been carried through both, will, I hope, in ſome degree, apologize for the delay and difficulty which this buſineſs has met with heretofore.

I ſhould not have thought myſelf warranted in paſſing an act of indemnity in a common caſe, without ſome previous inſtruction or order for that purpoſe: But this act ſeems to ſo conformable to his Majeſty's gracious intention, as it has been ſignified to me by your lordſhip, and Mr. Secretary Conway, that I think I can't have miſtaken my duty, in what I have now done. However, if I have, the confirmation of the act is ſtill in his Majeſty's hands.

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*Copy of a Letter from Deputy Governor Sharpe to the Earl of Shelburne.* [*Received February* 13, 1767.]

*Annapolis Maryland, Dec.* 9, 1766.

*My Lord,*

The two letters your lordſhip was pleaſed to write to me the 9th of Auguſt laſt, having lately come to my hands, I now do myſelf the honor to acknowledge my receipt thereof, and to aſſure your lordſhip that whatever commands your lordſhip may at any time communicate to me, will be punctually

tually obeyed. In a letter I took the liberty to addreſs to Mr. Secretary Conway laſt July, in anſwer to his of the 31ſt of March, I promiſed to lay the ſame, together with the reſolves of the Houſe of Commons therein tranſmitted, before the aſſembly of this province at their firſt meeting, which I have ſince done, and have now the ſatisfaction to inform your lordſhip, that upon my recommending it to them to take the letter and reſolves into conſideration, and cheerfully to comply with his Majeſty's requiſition thereby ſignified, they immediately voted a compenſation to the perſon whoſe houſe had been pulled down by the mob that aſſembled in the night of the 2d of September, 1765, and alſo to another perſon who had ſuffered a ſmall loſs at that time, with which compenſation the ſufferers are, I underſtand, entirely ſatisfied. I muſt alſo, in juſtice to the inhabitants of this province in general, aſſure your lordſhip, that ſince the repeal of the ſtamp-act was notified to them, they have not ſhewed the leaſt ſigns of diſcontent, nor have murmurings been heard amongſt them; but, as far as I can judge, their behaviour has manifeſted the higheſt ſatisfaction at the late meaſures of the Britiſh legiſlature, while their declarations have been expreſſive of unfeigned loyalty and gratitude to our gracious ſovereign, and of the greateſt attachment to the mother-country. I am, &c.

HORATIO SHARPE.

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*Extract of a Letter from Lieutenant Governor Colden to the Earl of Shelburne.* [*Received February* 18, 1767.]

*New-York, December* 26, 1767.

"IN my letter to Mr. Secretary Conway of the 24th of June, I informed him, that the aſſembly, in their ſeſſion in June laſt, would not recompenſe me for the loſſes I ſuſtained by the mob, the 1ſt of November laſt year. They have again, in their laſt ſeſſions, refuſed payment, with this reaſon annexed, that I had brought them upon myſelf by my miſconduct."

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*Extract of a Letter from Major General Gage to the Earl of Shelburne.—With Copy of an Incloſure therein.*

[*Received February* 18, 1767.]

*January* 17, 1767.

"THE packet had ſailed with the December mail, before I got a ſight of the addreſs from the General Aſſembly of this

this province, to their Governor, upon the ſubject of your lordſhip's letter to him, concerning the quartering of his Majeſty's troops, according to the full extent and meaning of the act of parliament made in that reſpect. Sir Henry Moore will have tranſmitted your lordſhip a copy of the ſaid addreſs, and I have the honour to incloſe your lordſhip a return of the number of troops quartered in the inhabited parts of this province.

Lieutenant Colonel Prevoſt has brought here one hundred and eighty eight recruits from Hamburgh, to compleat the two battalions of the Royal American regiment, and, as they will not be able to join their reſpective battalions till the ſpring, I have wrote to the Governor of Connecticut, to deſire he would provide quarters for them in his government till the month of April. As the colony of Connecticut has never erected any barracks in their country for the uſe of his Majeſty's troops, they muſt be quartered there on public houſes, in the ſame manner as in England. I have not received the Governor's anſwer to this requiſition.

Return of his Majeſty's Troops, quartered in the Provincial Barracks, in the Province of New-York.

| Regiments. | Commiſſioned Officers. | Staff. | Non-Commiſſioned Officers. | Rank and File. |
|---|---|---|---|---|
| Artillery | 6 | 3 | 15 | 63 |
| 17th Regiment | 9 | 3 | 18 | 261 |
| 46th Ditto. | 10 | 4 | 19 | 235 |
| Total | 25 | 10 | 52 | 559 |

THOMAS GAGE, Commander in Chief.

*Copy of an Act to furniſh the Barracks in the Cities of New-York and Albany with Firewood, Candles, and the other Neceſſaries therein-mentioned, for his Majeſty's Troops.*

[*Received October* 6, 1766.]

" An Act to furniſh the Barracks in the Cities of New-York and Albany with Firewood and Candles, and the other Neceſſaries therein-mentioned, for his Majeſty's Forces."

WHEREAS it has been repreſented to the General Aſſembly, that it is requiſite for his Majeſty's ſervice, proviſion ſhould

ſhould be made at this time, for furniſhing the barracks in the cities of New-York and Albany with ſundry neceſſaries, for the more comfortable reception of his Majeſty's troops, that now are, or ſoon may be quartered in the ſaid barracks, and the General Aſſembly being willing to make proviſion for the ſame, pray that it may be enacted; Be it therefore enacted by his Excellency the Governor, the Council, and the General Aſſembly. And it is hereby enacted by the authority of the ſame, that the mayor, recorder, and aldermen of the cities of New-York and Albany reſpectively, or ſuch perſon or perſons as they, or the major part of them reſpectively ſhall appoint, ſhall, as ſoon as may be after the publication of this act, furniſh the barracks in the ſaid cities with the ſaid neceſſaries hereafter mentioned; that is to ſay, "For the officers rooms, each, one pair of hand irons, one pair of tongs, one fire-ſhovel, one table, two chairs, and one candleſtick, and for every officer, ſeventeen ſhillings ſterling for one year in place of bedding—for every room for non-commiſſioned officers and ſoldiers, each room to contain fourteen men, ſeven cribs, ſeven bed-caſes, ſeven bolſters to be filled with ſtraw every three months, fourteen blankets, two iron poſts, two trammels, one pair of tongs, one fire-ſhovel, one pair of hand-irons, two croſs bars, one hatchet, one iron candleſtick, one table, two benches, and one bucket; and with fire-wood and candles, as follows:—for every room for officers, and for non-commiſſioned officers and private men, to contain fourteen men each, from the 1ſt of October to the 1ſt of April, three-ſixteenths of a cord of wood per week for each room, and for five weeks preceding the 1ſt of October, and five weeks after the 1ſt of April, three-ſixteenths of a cord of wood per week, and for the ſixteen remaining weeks, one-eighth of a cord of wood per week, one pound of candles per week for the winter only for each room, and for the guard-room in winter three candles each night, of ten candles to the pound," always provided, that the proviſion hereby made, doth not exceed the ſpace of one year, to commence from the publication hereof; and that the whole number of troops in both cities, doth not exceed two battalions of five hundred men each, officers included, and one company of royal artillery, and alſo that no rooms be ſupplied with fire-wood and candles, or other neceſſaries furniſhed either for officers or men, but for ſuch as actually reſide in the barracks, in either of the cities of New-York

and Albany. And that the ſaid mayor, recorder, and aldermen of the ſaid cities, or the major part of them reſpectively, may be able to furniſh the ſeveral articles and things by this act directed, Be it enacted by the ſame authority, that the treaſurer of this colony, out of the monies remaining in his hands, by virtue of an act of the Lieutenant-Governor, the Council, and the General Aſſembly, paſſed the twentieth day of March, one thouſand, ſeven hundred, and ſixty-two, intitled, "An Act, directing the Treaſurer of this Colony to pay the Commander in Chief of all his Majeſty's Forces in North-America, the Sum of Four Thouſand, Seven Hundred and Ninety Pounds for his Majeſty's Service, to be repaid when his Majeſty ſhall think proper" pay unto the mayor, recorder, and aldermen of the ſaid cities of New-York and Albany, or the major part of them reſpectively, or to their reſpective orders, from time to time, ſuch ſum and ſums of money as ſhall be requiſite to furniſh the ſeveral neceſſaries aforeſaid, whoſe reſpective receipts ſhall be good and ſufficient vouchers to the ſaid treaſurer, for ſuch ſums of money as ſhall be therein ſpecified. And be it enacted by the ſame authority, that the mayor, recorder, and aldermen of the cities of New-York and Albany, or the major part of them reſpectively, ſhall keep, or cauſe to be kept, juſt, true, and regular accounts of the monies by them reſpectively expended in conſequence of this act, and ſuch accounts ſhall render on oath, to the Governor, the Council, and the General Aſſembly, when by them, or either of them, thereunto required.

*Province of New-York, July* 10, 1766.

This act was paſſed by the General Aſſembly of the ſaid province the 25th day of June, 1766. By the Council on the 27th day of the ſame month of June; and on the third day of July inſtant, was aſſented to by his Excellency the Governor—and the preceding is a true copy of the original examined by me, GEORGE BANYAN, D. Secretary.

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*Copy of a Meſſage from the Houſe of Repreſentatives to Governor Bernard—In Governor Bernard's Letter of the* 14*th and* 18*th of Feb.* 1767.

(No. I.)

*May it pleaſe your Excellency,*

The Houſe of Repreſentatives beg to be informed by your Excellency, whether any proviſion has been made at the expence

pence of this government, for his Majeſty's troops lately arrived in this harbour, and by whom? And alſo, whether your Excellency has reaſon to expect the arrival of any more to be quartered in this province.

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*Extract of a Letter from Governor Bernard to the Earl of Shelburne.* [*Received March* 10, 1767.]

*Boſton, Dec.* 24, 1766.

(No. II.)

IT has been uſual in this government, to reprint ſuch acts of parliament as extend to America, by order of the Governor, with the advice of the Council; the ſtamp-act itſelf was reprinted by the printer of the government, by ſuch order. Laſt ſummer, having received ſeven acts of parliament paſſed the laſt ſeſſion relating to America, I communicated theſe to the Council, and it appearing that four of them were intereſting to this province, the Council adviſed that they ſhould be printed by the printers of the laws, and it was accordingly ordered. Among theſe acts was the Mutiny Act, which it ſeems has given as much umbrage to this Aſſembly as it has done to that of a neighbouring province, though it has not yet ſo fully ſhowed itſelf. In the interval of the adjournment of the Aſſembly, a tranſport, with two companies of artillery on board, was driven in here by ſtreſs of weather; the commanding officer applied to me for quarters—I laid the buſineſs before the Council: The act of parliament was conſulted, and the Council adviſed me to order the commiſſary to furniſh them with what they demanded under the act. When the Aſſembly met, this matter was moved in the houſe, and a committee was appointed "to prepare a meſſage to the Council, to enquire by what authority any acts of parliament are regiſtered among the laws of this province." This meſſage was accordingly ſent up by five members, and had this queſtion at the end of it, "Whether they knew of any act requiring the regiſtry of ordinances, which this legiſlature never conſented to?" The next morning the houſe ſent up another meſſage to the Council, to enquire, "Whether the board, or the Governor and Council had made any proviſion for his Majeſty's troops lately arrived in this harbour, and how?" I had, before, upon another occaſion, cautioned the Council againſt anſwering whilſt ſitting in their legiſlative capacity without me, for what they did as a privy-council with me, and I renewed

this caution at this time, and added, that application ſhould be made to me, and to me only, for an account of what was done in the privy-council. The Council, therefore, anſwered to both the meſſages: "That the orders relative to thoſe matters, were given by the Governor with the advice of Council, and therefore the houſe was referred to the Governor for the information they deſired." This anſwer was voted by the houſe to be not ſatisfactory, and a committee was appointed "to take the anſwer and matter into conſideration in the receſs, and to report what is proper to be done."

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*Copy of a Meſſage from Governor Bernard to the Houſe of Repreſentatives—In Governor Bernard's Letters of the 14th and 18th of Feb. 1767.*

*Gentlemen of the Houſe of Repreſentatives,*

In anſwer to your meſſage of this day, I ſend you a copy of the minutes of Council, by which proviſion for the artillery company at the Caſtle, in purſuance of the late act of parliament, was made.

I intended to lay the matter before you, and had given orders for an account of the preſent expence to be made out for that purpoſe, which having received ſince your meſſage came to me, I hereby communicate.

I have received no advice whatever of any other troops being to be quartered in this province, nor have I any reaſon to expect the arrival of ſuch, except from common report, to which I give little credit.

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*Copy of a Meſſage from the Houſe of Repreſentatives to Governor Bernard—In Governor Bernard's Letters of the 14th and 18th of Feb. 1767.*

(No. III.)

*May it pleaſe your Excellency,*

In reply to your meſſage of the 30th of January, the Houſe of Repreſentatives beg leave to obſerve, That it is by virtue of the royal charter alone, that the Governor and Council have any authority to iſſue money out of the treaſury, and that only according to ſuch acts as are, or may be in force within the province. This clauſe was intended to ſecure to the Houſe of Repreſentatives, the privilege of originating, granting, and diſpoſing of taxes:—But we apprehend

hend it would be of very little value and importance, if it ſhould ever become a ſettled rule, that the Houſe are obliged to impoſe and levy aſſeſſments, rates and taxes, upon the eſtates or perſons of their conſtituents, for the payment of ſuch expences as may be incurred by virtue of an order of the Governor and Council, without the knowledge and conſent of the houſe. Your Excellency, therefore, in giving orders with the advice of the Council, for making proviſion for the artillery companies at the Caſtle, acted in an eſſential point, contrary to the plain intention of the charter of the province, wherein the powers of the ſeveral branches of the General Aſſembly, are declared and limited. If, however, there was an urgent neceſſity for this procedure in the receſs of the court, we are very much ſurprized that your Excellency ſhould ſuffer the whole of the laſt ſeſſion of the General Aſſembly to paſs over without laying this matter before us, and that it was again omitted in the preſent ſeſſion, 'till the houſe had waited upon your Excellency with their meſſage. It is the juſt expectation of this houſe, founded in the principles of the conſtitution, to have the earlieſt notice of a matter of this nature, and we cannot but remonſtrate to your Excellency, that the omiſſion of it was a breach of our privilege.

But may it pleaſe your Excellency, it is ſtill more grievous to us, to find your Excellency making mention of a late act of parliament, in purſuance of which, your Excellency and the Council have created this expence to the province. One great grievance, in regard to the ſtamp-act, was, that it deprived us of the advantage of a fundamental and moſt eſſential part of the Britiſh conſtitution, the unalienable right of freedom from all taxation, but ſuch as we ſhall voluntarily conſent to and grant:—while we feel a ſenſe of the worth and importance of this right, we cannot but expreſs a very deep concern, that an act of parliament ſhould yet be in being, which appears to us to be as real a grievance, as was that which ſo juſtly alarmed this continent. Your Excellency, and the Council, by taking this ſtep, have unwarrantably and unconſtitutionally ſubjected the people of this province to an expence, without giving this houſe an opportunity of paſſing their judgment upon it, and have alſo put it out of our power, by an act of our own, to teſtify the ſame cheerfulneſs which this aſſembly has always ſhewn,

in granting to his Majeſty, of their free accord, ſuch aids as his Majeſty's ſervice has, from time to time, required.

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*Copy of a Meſſage from Governor Bernard to the Houſe of Repreſentatives, Feb.* 17, 1767.—*In Governor Bernard's Letters of the* 14*th and* 18*th of Feb.* 1767.

(No. IV.)

*Boſton, Feb.* 19.

Tueſday laſt his Excellency was pleaſed to ſend the following Meſſage to the Honourable Houſe of Repreſentatives; viz.

*Gentlemen of the Houſe of Repreſentatives.*

The charges againſt me and the Council, contained in your meſſage of the 4th inſtant, have had a full conſideration; the reſult of which is, that the proceedings in making proviſion for the King's troops lately arrived here, appear to be conſtitutional and warrantable, and are juſtified not only by the uſage of this government, but by the authority of the General Court itſelf.

The barracks at the Caſtle were built by order of the General Court for the reception of the King's troops when they ſhould arrive here, that there might be no occaſion for quartering them upon the inhabitants. Fuel and candle are neceſſary to the occupation of barracks—without them no troops could go in or ſtay there, it being an allowance always incidental to their living in barracks. When, therefore, the General Court ordered theſe barracks to be built for troops, it muſt have been implied, that the incidental neceſſaries ſhould be provided for the troops when they went into them—otherwiſe, we muſt ſuppoſe that the General Court did not intend that the barracks ſhould be applied to the uſe for which they were built.

The manner of making the proviſion, and the proviſion itſelf, were agreeable to the uſage of this government in the like caſes. It conſiſted of fuel and candle only, which are abſolutely neceſſary, and always have been allowed in thoſe barracks, and it did not include ſeveral articles preſcribed by the act of parliament, and therefore it was wholly conformable to the uſage of the government and the neceſſity of the caſe, but to the act only, as it coincided with it. If there had been no ſuch act, the Council would have thought themſelves obliged to have adviſed the ordering this proviſion,

ſion, as it was neceſſary to the uſe of the barracks, it being their duty, in the receſs of the General Court, to aſſiſt me carrying into execution, by the uſual means, an eſtabliſhment provided for the convenience of the people.

As to your complaint againſt me, for not laying this matter before you during the whole of laſt ſeſſion, and part of this ſeſſion, I ſhall only ſtate the facts and leave it there. What you call the whole of laſt ſeſſion, was only the ſix laſt days of it, when you met after an adjournment, to paſs upon the Compenſation Bill. As ſoon as you had finiſhed that buſineſs, you deſired me to grant you a receſs—I did ſo, and told you at the ſame time, that upon that account, I had poſtponed all other buſineſs to the next ſeſſion. As to the part of this ſeſſion, it was not forty-eight hours, and within that time I had given orders for making out an account of the expence of the proviſion in order to lay it before you, and I actually received it within two hours after I had your meſſage. This is the whole of what you call an omiſſion in breach of your privilege.

*Council-Chamber.* FRANCIS BERNARD.

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*Extract from the Journals of the Upper Houſe of Aſſembly—In Governor Wright's,* (No. IV.) *of the 6th of April,* 1767.

*Georgia, Die Martis,* 20°. *January,* 1767.

Mr. Preſident informed the Houſe, that he had two Meſſages from his Excellency, the Governor, ſigned by his Excellency, which he was directed to lay before the Houſe, and he delivered them in at the Table, where the ſame were read, one of which is as follows; viz.

" *Honourable Gentlemen,*

" It is always with reluctance, that I mention any matter of expence to you, but having lately received a letter from Captain Phillips, the officer commanding the detachment of his Majeſty's troops in this province, incloſing me a liſt of neceſſaries allowed by the Mutiny-act to ſoldiers in America, and requeſting to know where he is to procure the ſame; it is my duty to lay this matter, together with the act of parliament, before you, and to recommend it to your ſerious conſideration, and hope you will, as far as lies with you, enable me to comply with the direction contained in the ſaid act.

" *Savannah,* JAMES WRIGHT."

*Extract of a Letter from Captain-Lieutenant Phillips.*

"I Beg your Excellency will be pleaſed to forgive the trouble I give you, by incloſing a liſt of the neceſſaries allowed to ſoldiers wherever they are lodged in barracks, and intreat your directions where I am to procure them for the garriſons in your Excellency's province."

*A Liſt of Neceſſaries for the Soldiers on the Out-Poſts.*

"Candles for the guard and hoſpital—wood for the garriſons—bedding and bedſteads—rum and vinegar, &c. as ordered by the Mutiny-act—cooking utenſils, pots, platters, ſpoons, &c. &c.—axes to cut their wood, and tables and formes. "(Signed) RALPH PHILLIPS.

"*Charles-Town, Jan.* 6, 1767."

"The command at Auguſta, an officer, a ſurgeon's mate, and twenty privates.

"The command at Frederica, a ſerjeant and ten privates, but at preſent only a corporal and nine privates."

"Reſolved, *Nemine Diſſenſiente*, That this houſe will readily and cheerfully concur with the Commons Houſe in every meaſure that may be judged expedient to carry the ſeveral matters into execution, recommended by his Excellency in his ſaid meſſages.

"Reſolved, That an humble addreſs be preſented to his Excellency the Governor, acquainting his Excellency with the aforegoing reſolution.

"Ordered, That Mr. Powell and Mr. Johnſon do preſent the ſaid addreſs."

A true copy, examined and certified by

C. WATSON, C. G. A.

COPY OF ADDRESS.

*Georgia, Jan.* 20, 1767.

*To his Excellency James Wright, Eſq; Captain-General, and Governor in Chief of his Majeſty's Province of Georgia.*

*The Humble Addreſs of the Upper Houſe of Aſſembly.*

*May it pleaſe your Excellency,*

This houſe having taken under conſideration your Excellency's two meſſages of this day, the one reſpecting the repairs requiſite at Fort Hallifax, and the other relative to ſundry

ſundry neceſſaries allowed by the late Mutiny-act to ſoldiers in America, beg leave to aſſure your Excellency, that we we will readily and chearfully concur with the Commons Houſe, in every meaſure that may be judged expedient to carry the ſeveral matters therein recommended, into due execution. By order of the Upper Houſe,

JAMES HABERSHAM, Preſident.

Examined with the original,

C. WATSON, C. G. A.

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*Extract of a Letter from James Wright, Eſq; Governor of Georgia, to the Earl of Shelburn.*

[*Received May* 21, 1767.]

*Savannah, April* 6, 1767.

IN my letter of the 5th of January I wrote to your lordſhip, that the Aſſembly begun to do buſineſs on the 2d of December, and were to meet again on the 13th of January, and that I had not then obſerved any improper diſpoſition in them:—But, my Lord, this did not continue to be the caſe, for, on the 16th of January I received a letter from Captain Lieutenant Phillips, who, by General Gage's order, then commanded the detachment of his Majeſty's Royal American regiment, doing duty in this province and South Carolina, deſiring me to let him know where he was to apply for the barrack-neceſſaries directed by the Mutiny-act, and on the 20th of January I ſent a meſſage to the Council and Aſſembly on that ſubject, together with the Mutiny-act, it being the uſe and cuſtom here, to ſend a meſſage to the Council, as well as to the Aſſembly, in ſuch caſes—copies of which I now incloſe to your lordſhip (No. I.); alſo a copy of the addreſs of the Council as an Upper Houſe, in anſwer to my meſſage of the ſame date (No. II.)—but the Aſſembly delayed ſending any anſwer for a conſiderable time, and finding no anſwer came, I ſent for two of the members, and let them know, that if I did not receive an anſwer forthwith, I ſhould be obliged to ſend a ſecond meſſage, in which poſſibly I might mention ſomething that would not be pleaſing, as I had underſtood they did not intend to comply with the act of parliament; and that day I was informed, by direction of the houſe, that I might depend on an anſwer in a day, or two, at fartheſt, and on the 18th of February I received the incloſed addreſs. No. (II.)

*Extract*

*Extract of a Letter from Major General Gage to the Earl of Shelburne.* [*Received March* 25.]

*New-York, Feb.* 20, 1767.

(No. IV.)

YOUR Lordſhip has been informed of the arrival of a number of German recruits in this port for the Royal American regiment, and of my intention to quarter them in the colony of Connecticut, 'till the ſeaſon ſhould allow them to join their corps. I wrote two letters to Governor Pitkin on the ſubject of quartering theſe recruits by the authority of the act of parliament ſolely, but the Governor would do nothing in the affair, 'till authorized ſo to do by his Provincial Aſſembly. I have the honor to tranſmit your Lordſhip copies of ſaid letters, with the Governor's anſwers thereto. The men are now quartered in the towns, where the Governor told me proviſion would be made for their reception.

*Copy of a Letter from Governor Pitkin, of the Colony of Connecticut, to Gen. Gage—In Major General Gage's Letters,* (No. IV.) *of the 20th of Feb.* 1767.

SIR, *Hartford, Jan.* 31, 1767.

Your letter of the 25th inſtant I received; notwithſtanding your ſurprize at the delay of his Majeſty's ſervice, I can aſſure your Excellency, that this colony have nothing more at heart, than to forward his Majeſty's ſervice, and promote his intereſt by every part of their conduct. I have now the pleaſure to inform your Excellency, that the needful proviſion is made for quartering the number of troops mentioned in your firſt letter.

The towns referred to in your requiſition, have lately been greatly burthened with a large number of his Majeſty's regular troops, and had encouragement that for the future they ſhould be excuſed, which induced the Aſſembly to provide quarters for the ſaid troops in the towns of New Haven, Wallingford, and Brandford—am therefore deſired to requeſt this favour of your Excellency, if it can be without prejudice to his Majeſty's ſervice, otherwiſe, proviſion is made in the towns of Stamford, Norwalk, and Fairfield.

I am further deſired to requeſt your Excellency, that orders be given that the ſoldiers may not carry their arms, except when called upon duty, which may prevent their diſturbing

disturbing the peace of his Majesty's subjects, which the people here have fearful apprehensions of, from their former experience. I am, &c.

(Signed) WILLIAM PITKIN.

*Copy of a Letter from General Gage to Governor Pitkin, of the Colony of Connecticut—In Major General Gage's Letter* (No. IV.) *of the 20th of February*, 1767.

SIR, *New-York, Jan.* 25, 1767.

Captain Kemble has delivered me your letter of the 20th instant, and I can't help expressing my surprize at the contents of it, and the delays given to his Majesty's service—I had the honour to make application to you as the executive part of government, for the due execution of a law in your colony, in the same manner as the said law is daily put in execution by every justice of the peace, constable, headborough, or tythingman, throughout the kingdom of England. I cannot comprehend that your colony is affected by my requisition in any shape, as to expence, there being no barracks in the colony, therefore there is no expence to be incurred for bedding, fuel, utensils, &c. but the troops to be quartered in public houses, in the same manner as in England; and as the public houses in the places mentioned in my letter of the 8th instant, are more than sufficient to quarter the few troops that are to be sent into them, the further provision required by the law, of fitting up outhouses, barns, &c. in case there should not be sufficient room in the said public houses to quarter the troops, is out of the question: I can't, therefore, see by what means the colony is to be involved in considerable expences, or that it is necessary to raise a single shilling on this account. The King's service requires that I should be at a certainty in this business, and I am once more obliged to trouble you on the subject of my first letter, and to desire your answer, whether you will give the proper directions to the inferior magistrates to obey the law, by billeting the soldiers in such houses as are particularly specified in the act of parliament, made and provided in this respect. I am, &c.

THOMAS GAGE.

*Copy*

*Copy of a Letter from Governor Pitkin, of the Colony of Connecticut, to General Gage—In Major Gen. Gage's Letter* (No. IV.) *of the 20th of February*, 1767.

SIR, *Hartford, Jan.* 20, 1767.

I received yours of the 8th inſtant, by Captain Kemble, requeſting quarters for one hundred and thirty-four of his Majeſty's troops, in the towns of Stamford, Norwalk, and Fairfield, in this colony. It would have given me pleaſure to have returned an immediate anſwer, but as it was neceſſary for me to call the Council of this colony to meet, and adviſe on the ſubject matter of your Excellency's letter, I immediately gave them notice, but as they live ſcattered in the various parts of the colony, and the ſeaſon being ſo extraordinary, rendered it impracticable to convene them 'till this day, which I truſt will appear a ſufficient reaſon to your Excellency for the delay I have been obliged to give Captain Kemble. I am ſorry it is not in my power, at this time, to give ſuch immediate and ſpecific orders as your Excellency ſeemed to expect. As the requiſition was unexpected, no barracks, or other proviſions, are made for quartering ſoldiers here—A compliance therewith, would involve the colony in conſiderable expence, which cannot be provided for, otherwiſe than by their repreſentatives in the General Aſſembly, which makes it neceſſary to call the ſame on this occaſion. I have accordingly ſent out orders for convening the Aſſembly on Thurſday the 29th inſtant, which is as ſoon as they poſſibly can meet. I ſhall then lay the matter before them, and doubt not but they will give the utmoſt attention and diſpatch the nature of the affair will admit. I ſhall not fail to give your Excellency the earlieſt notice of their concluſion thereon. I am, &c.

(Signed) WILLIAM PITKIN.

*Copy of a Letter from General Gage to Governor Pitkin, of the Colony of Connecticut—In Major Gen. Gage's Letter* (No. IV.) *of the 20th of February*, 1767.

SIR, *New-York, Jan.* 8, 1767.

I have the honour to acquaint you, that a veſſel is juſt arrived here, with one hundred and eighty-eight recruits from Germany, for his Majeſty's two battalions of the Royal American regiment. As both theſe batallions are ſo ſituated (the one being quartered at Quebec, the other garriſoning the

the forts in the Upper country) as to render it impracticable for theſe recruits to join them this winter, and the quarters in the provinces of Pennſylvania, New Jerſeys, and New-York, being occupied by other corps, and two companies of the Royal regiment of Artillery being quartered at Boſton, I have no choice left but the province of Connecticut—I, therefore, ſend to you, by Captain Kemble, one of my aid de camps, to requeſt that you will be ſo good as to order quarters to be provided at Stamford, Norwalk, and Fairfield, or which you ſhall judge beſt of thoſe towns, for two officers, and one hundred and thirty-four of his Majeſty's troops—the other fifty-four being deſtined to recruit the three companies of the firſt batallion of the Royal American regiment ſtationed in South-Carolina, will be immediately ſent thither. I have no doubt but you will give ſuch immediate and ſpecific orders upon this head, as that this detachment of his Majeſty's forces may be ſupplied with quarters, &c. according to the act of parliament.

You will be ſo good to return me an anſwer to this requiſition, by Captain Kemble, acquainting me of the number of men you think beſt to be ſeverally quartered in the towns before-mentioned. I am, &c.

THOMAS GAGE.

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*Extract of a Letter from Governor Bernard to the Earl of Shelburne.* [*Received March* 28.]

*Boſton, 14th and 18th of Feb.* 1767.

(No. V.)

IN my letter (No. II.) I informed your lordſhip, that the houſe had, at the end of laſt ſeſſion, taken umbrage at the Governor, with the advice of Council, having ordered proviſion for two companies of artillery (which were drove in here), purſuant to act of parliament, and had appointed a committee thereupon—ſo that this ſubject was to be worked up as a cauſe of liberty. The third day of this ſeſſion, the houſe ſent me a meſſage, deſiring to know, "Whether any proviſion had been made at the expence of this government, for his Majeſty's troops lately arrived in this harbour, and by whom?" To this I returned an anſwer, incloſing a copy of the minutes of Council, by which ſuch proviſion was made, in which it is to be in purſuance of the act of parliament. I alſo added an account of the expence, which in more than two months amounted to £60 ſterling. In reply

to

to this, they ſent me a meſſage, wherein they ſay, that "I and the Council, in making ſuch proviſion, acted unwarrantably and unconſtitutionally, and it is the more grievous to them, for that it is mentioned to be in purſuance of an act of parliament, which act appears to them as real a grievance as the ſtamp-act." They alſo ſay, "that my not laying this matter before them for the whole of the laſt ſeſſion, and part of this ſeſſion, until they ſent their meſſage, was in breach of their privilege." What they call the whole of the laſt ſeſſion, was only the ſix laſt days, when they met, after an adjournment, to paſs the Indemnification bill, and for no other purpoſe—after which, they deſired I would diſmiſs them, and I told them in ſo doing, that I had poſtponed all other buſineſs to the next ſeſſion, on that account. The part of this ſeſſion was not forty-eight hours, in which I had given orders for making out an account of the expence, to be laid before them—when they hurried their meſſage ſo, that it came to me two hours before I received the account. I mention this only, to ſhew what trifling pretences, a charge of a breach of this privilege is formed.

In the buſineſs itſelf, the Governor and Council acted preciſely according to the conſtant uſage of this government, both in the manner of providing, and the things provided, and in regard to the latter, not quite conformably to the act of parliament, for there was no beer, vinegar, &c. provided, the officer not requiring them. The entry in the minute of the Council, "in purſuance of the act of parliament" was made at the deſire of ſome of the Council, thinking, I ſuppoſe, that it would protect them from being called to an account for doing, what, in other times, would have paſſed as a common act of government, and even theſe words are more properly applicable to the requeſt of the officer, than the order—But the reverſe has happened. The act of parliament, inſtead of protecting them, has been the cauſe of their being arraigned. Political meaſures are very catching in this country. When the matter was firſt agitated, advice had been received of the Aſſembly of New-York having refuſed to comply ſpecifically with the act of parliament; and it was mentioned in the houſe, and then (laſt ſeſſion) it was ſaid that this act was worſe than the ſtamp-act. And when it was revived in the houſe this ſeſſion, a member oppoſite to government, ſaid that the Governor and Council were not to blame, the act under which they had acted was what

what was to be condemned. And indeed this trifling buſineſs, which in the whole expence won't coſt above £.150 ſterling, ſeems to be laid hold of, only to make a public declaration againſt the act of parliament—All papers of this kind, which uſed formerly to be ſeen no where but in the votes, being now printed in all the news-papers; and, from ſome particular expreſſions, it has the air of a manifeſto much more than of a meſſage to a Governor, who is the laſt perſon to whom a claim to an exemption from acts of parliament ſhould be made, as it is impoſſible for him to concede to it.

This letter ſtill remaining with me, I have an opportunity to add, that for above a week paſt, I had endeavoured to prevail with the Council, to join with me in a juſtification of our proceedings, in making proviſion for the King's troops, but at the ſame time I proteſted againſt their anſwering without me, as it was a buſineſs of Privy Council, in which they could not act ſeparately from me. This diſtinction was made uſe of to introduce a ſquabble about privileges, which prevented any reſolution being taken. To put an end to this, yeſterday I introduced the incloſed anſwer in my own name only, which I told them I would ſend if they would adviſe to it, which, after ſome debate, they did; and I ſent it to the houſe. Your Lordſhip will obſerve, that in this anſwer there is a careful avoidance, though no denial of this proviſion being made, in purſuance of the act of parliament: I was obliged to frame it thus to obtain the Council's concurrence. For, though the greater part of them have, I believe, a due reſpect for an act of parliament, not one of them would dare to avow it in this inſtance, and at this time.

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*Copy of an Act for granting Compenſation to the Sufferers, and of free and general Pardon, Indemnity and Oblivion to the Offenders in the late Times, paſſed in the Province of the Maſſachuſett's Bay, Dec. 6, 1766.*

(No. I.)

"An Act for granting Compenſation to the Sufferers, and of free and general Pardon, Indemnity and Oblivion, to the Offenders in the late Times."

WHEREAS the King's moſt Excellent Majeſty, taking into his moſt gracious and ſerious conſideration, the troubles, diſcords, tumults and riots, which have lately happened in America,

America, and that divers of his ſubjects have thereby greatly ſuffered in their property, and others have fallen into, and are obnoxious to great pains and penalties, out of a hearty and pious deſire that ſuch ſufferers be compenſated, and to put an end to all ſuits and controverſies, and proſecutions, that by occaſion of the late diſtractions have ariſen, or may ariſe between any of his Majeſty's ſubjects, and to the intent that a veil be drawn over the late unhappy exceſſes, has been graciouſly pleaſed to ſignify his deſire to forgive and forget them, at the ſame time, of his abundant clemency, recommending a compenſation to the ſufferers in their property, with ſuch a conduct in general, as ſhall be, at this great criſis, the beſt means of fixing the mutual intereſt and inclination of Great-Britain and her colonies, on the moſt firm and ſolid foundation.

From a grateful ſenſe of his Majeſty's grace and clemency, in order to promote internal peace and ſafety, to make compenſation to ſaid ſufferers, and as a means, ſo far as it is in our power, of demonſtrating to all the world, our ſenſe of the happineſs we enjoy, in being a part of the Britiſh empire, and being intitled to the rights, liberties, and privileges of Britiſh ſubjects, We, his Majeſty's moſt dutiful and loyal ſubjects, the Repreſentatives of the Commons of this province, in the Great and General Court, aſſembled, of our free and good will, have reſolved to give and grant, and pray that it may be enacted.

And be it accordingly enacted, by the Governor, Council, and Houſe of Repreſentatives, that there be granted and paid out of the public treaſury of this province, to the Hon. Thomas Hutchinſon, Eſq; the ſum of £.3194 17*s.* 6*d.* in full compenſation for the loſſes and ſufferings that he, and the ſeveral perſons in his family, ſuſtained in the late times of confuſion.

To the Hon. Andrew Oliver, Eſq; the ſum of £.172 4*s.*

To Benjamin Hallowell, jun. Eſq; the ſum of £.385 6*s.* 10*d.*

To William Story, Eſq; the ſum of £.67 8*s.* 10*d.* in full compenſation for their loſſes and ſufferings, in the late times of confuſion.

And be it further enacted, that all riots, routs, and unlawful aſſemblies, councelled, commanded, acted, done, or made within this province, between the 1ſt day of September, 1765, and the 1ſt day of May, 1766, and all burglaries, felonies,

felonies, reſcues, and breaches of the peace whatſoever, committed in, by, or during ſuch riots, routs, or unlawful aſſemblies, be, and hereby are pardoned, releaſed, indemnified, diſcharged, and put in utter oblivion, and that all and every the perſon or perſons, acting, adviſing, aſſiſting, abetting, and counſelling the ſame, be, and are hereby pardoned, releaſed, acquitted, indemnified and diſcharged from the ſame, and of, and from all pains of death, and other pains, judgments, indictments, convictions, penalties, and forfeitures, are hereby declared null and void.

And be it further enacted, that any perſon indicted or preſented, or in any manner proſecuted, or that ſhall, or may be hereafter indicted, preſented, or in any manner proſecuted for any of the offences by this act pardoned, may plead the general iſſue, and give this act in evidence, which ſhall be ſufficient to acquit him.

Provided, that nothing in this act contained, ſhall extend to the pardoning, or give any benefit whatever to any perſon who is, or may be unlawfully poſſeſſed of any goods or chattels, taken or ſtolen from any perſon, unleſs the poſſeſſor ſhall, within thirty days after the publication of this act, have ſurrendered and delivered them up to the province treaſurer, for the uſe of the province.

Provided alſo, that nothing in this act ſhall extend to the carrying any civil action of treſpaſs for damages ſuſtained by any perſon, not by this act compenſated, nor to the pardoning any of the crimes or offences above-named, wherein any burglaries, arſons, or thefts were committed againſt the properties of any perſons, not compenſated by this act.

*Extract of the Minutes of the Proceedings of the Commiſſioners for Trade and Plantations, ſo far as relates to the Act paſſed in the Province of the Maſſachuſett's Bay, in December, 1766, intituled,*

"An Act for granting Compenſation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times." From the Time of the Receipt of the ſaid Act.

(No. II.)

At a meeting of his Majeſty's Commiſſioners for Trade and Plantations, on Tueſday, March 10, 1767.

Preſent—Lord Clare, Mr. Jenyns, Mr. Roberts, Mr. Fitzherbert, Mr. Rice, Mr. Dyſon, Mr. Robinſon.

The Secretary laid before the Board the following papers, which were this day received from the Secretary of the Province of Maſſachuſett's Bay; viz. Two Acts paſſed in 1766.

Ordered, That the Secretary do forthwith communicate to the Secretary to the Earl of Shelburne, for his Lordſhip's information, the act of compenſation to the ſufferers by the diſturbances at Boſton, in Auguſt, 1765, and for indemnity to thoſe concerned in the ſaid diſturbances.

CLARE.

At a meeting of his Majeſty's Commiſſioners for Trade and Plantations, on Tueſday, March 12, 1767.

Preſent—Lord Clare, Mr. Jenyns, Mr. Dyſon, Mr. Roberts, Mr. Fitzherbert.

The Secretary acquainted the Board that he had, purſuant to their order, communicated to the Earl of Shelburne's Secretary, the Act paſſed in Maſſachuſett's Bay, in December, 1766, for Compenſation and Indemnity.

Their Lordſhips took into conſideration the law paſſed in the province of Maſſachuſett's Bay, in December, 1760, for Compenſation to the Sufferers by the Diſturbances at Boſton in 1765, and for Indemnity, &c. and the ſaid law appearing to be of a new and extraordinary nature and importance, it was ordered that it ſhould be referred to his Majeſty's Attorney and Solicitor-General, for their opinion upon it.

CLARE.

At a meeting of his Majeſty's Commiſſioners for Trade and Plantations, on Monday, April 13, 1767.

Preſent—Lord Clare, Mr. Jenyns, Mr. Dyſon, Mr. Rice, Mr. Fitzherbert, Mr. Robinſon.

The Secretary laid before the Board a report of his Majeſty's Attorney and Solicitor-General, dated the 10th inſtant, upon the act paſſed in the province of the Maſſachuſett's Bay in December laſt, intituled, An Act for Compenſation to the Sufferers by the Diſturbances at Boſton in 1765, and for Indemnity, &c. Their Lordſhips took the ſaid act and report into conſideration, and having agreed upon a repreſentation to his Majeſty thereupon, a draught of ſuch repreſentation was prepared, approved, tranſcribed, and ſigned.

CLARE.

*Copy*

*Copy of a Letter from John Pownall, Esq; to his Majesty's Attorney and Solicitor-General, dated Whitehall, March* 13, 1767, *desiring their Opinion upon an Act passed in the Massachusett's Bay, in December*, 1766, *intituled*,

" An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

(No. III.)

*Gentlemen*, *Whitehall, March* 13, 1767.

AS the law herewith inclosed, passed in the province of the Massachusett's Bay, in December, 1766, appears to the Lords Commissioners for Trade and Plantations, to be of a new and extraordinary nature and importance, I am directed by their lordships to desire you will be pleased to take it into consideration, and to favour them with your opinion, whether the legislature of that province have, by their constitution, a power to enact a law of general pardon, indemnity, and oblivion, in the case to which it refers, without the previous consent of the crown. I am, with great respect, Gentlemen, your most obedient humble servant,

*To William de Grey and Edward Willes, Esqrs. his Majesty's Attorney and Solicitor Generals.* J. POWNALL.

*Copy of a Report of his Majesty's Attorney and Solicitor-General, dated April* 10, 1767, *on an Act passed in the Province of the Massachusett's Bay, on the 6th of December*, 1766, *intituled*,

" An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

(No. IV.)

*To the Right Hon. the Lords Commissioners for Trade and Plantations.*

*May it please your Lordships*,

IN obedience to your lordship's commands signified to us by Mr. Pownall's letter of the 13th of March last, inclosing to us a law passed in the province of Massachusett's Bay, in December, 1766, appearing to your lordships to be of a new and extraordinary nature and importance, and desiring us to take it into our consideration, and report our opinion, whether the legislature of that province have, by their constitution, a power to enact a law of general pardon, indem-

nity and oblivion, in the caſe to which it refers, without the previous conſent of the crown. We have taken the ſame into our conſideration, and are of opinion, that the Governor, Council, and Aſſembly of the Maſſachuſetts Bay, have not, by the conſtitution of that province, any original power to enact a law of general pardon, indemnity, and oblivion, in the caſe referred to, without the previous communication of the grace and pleaſure of the crown.

All which is humbly ſubmitted to your Lordſhip's conſideration.

W. DE GREY, E. WILLES.

*Whitehall, April* 13, 1767.

*Copy of a Repreſentation of the Commiſſioners for Trade and Plantations, to his Majeſty, dated Whitehall, April* 13, 1767, *on an Act paſſed in the Maſſachuſett's Bay, in December*, 1766, *intituled*, "An Act for granting Compenſation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

(No. V.)

*To the King's Moſt Excellent Majeſty.*

*May it pleaſe your Majeſty,*

WE have had under our conſideration an act paſſed in your Majeſty's province of Maſſachuſett's Bay, in New-England, on the 6th of December, 1766, intituled, "An Act for granting Compenſation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

As this act appeared to us to be of an extraordinary nature and importance, we thought it our duty immediately, to refer it to the conſideration of your Majeſty's Attorney and Solicitor General, deſiring their opinion, whether the legiſlature of that province have, by their conſtitution, a power to enact a law of general pardon, indemnity, and oblivion, in the caſe to which this act refers, without the previous conſent of the crown; and your Majeſty's Attorney and Solicitor General, having, on the 10th inſtant, reported to us their opinion, "That the Governor, Council, and Aſſembly of the Maſſachuſett's Bay, have not, by the conſtitution of that province, any original power to enact a law of general Pardon, Indemnity, and Oblivion, in the caſe referred to, without the previous communication of the grace and

pleaſure

pleaſure of the crown." We do, upon a conſideration of this report, agree in opinion with them, and humbly beg leave to lay the ſaid act before your Majeſty, ſubmitting it to your Majeſty to take ſuch meaſures thereupon, as your Majeſty, in your great wiſdom, and with the advice of your Council, ſhall think moſt proper. Which is moſt humbly ſubmitted.

Clare — William Fitzherbert
Soame Jenyns — Thomas Robinſon.
George Rice

*Copy of a Repreſentation of the Lords Commiſſioners for Trade and Plantations, dated the 13th of April, 1767, upon the Maſſachuſett's Act, for granting Compenſation to the Sufferers, &c.*

(No. I.)

*To the King's Moſt Excellent Majeſty.*

*May it pleaſe your Majeſty,*

WE have had under our conſideration an act paſſed in your Majeſty's Province of the Maſſachuſett's Bay, in New England, on the 6th of December, 1766, intituled,

" An Act for granting Compenſation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

As this Act appeared to us to be of an extraordinary nature and importance, we thought it our duty immediately to refer it to the conſideration of your Majeſty's Attorney and Solicitor General, deſiring their opinion, whether the legiſlature of that province, have, by their conſtitution, a power to enact a law of general Pardon, Indemnity, and Oblivion, in the caſe to which this act refers, without the previous conſent of the crown? And your Majeſty's Attorney and Solicitor General, having, on the 10th inſtant, reported to us their opinion, " That the Governor, Council, and Aſſembly of the Maſſachuſett's Bay, have not, by the conſtitution of that province, any original power to enact a law of general Pardon, Indemnity, and Oblivion, in the caſe referred to, without the previous communication of the grace and pleaſure of the crown." We do, upon a conſideration of this report, agree in opinion with them, and humbly beg leave to lay the ſaid act before your Majeſty, ſubmitting it to your Majeſty, to take ſuch meaſures thereupon, as your Majeſty, in your great wiſdom, and with the advice of your

Council, ſhall think moſt proper. Which is moſt humbly ſubmitted,

| | | |
|---|---|---|
| | Clare | William Fitzherbert |
| *Whitehall,* | Soame Jenyns | Thomas Robinſon. |
| *April* 13, 1767. | George Rice | |

L. S. *By his Excellency Francis Bernard, Eſq; Captain General and Governor in Chief, in, and over his Majeſty's Province of the Maſſachuſett's Bay, in New-England, and Vice-Admiral of the ſame.*

*Francis Bernard.*

I do hereby certify, that the Great and General Court, or Aſſembly of his Majeſty's province of the Maſſachuſett's Bay, aboveſaid, did at their ſeſſion begun and held at Boſton, upon Wedneſday the 28th day of May, 1766, and continued by ſundry prorogations to Wedneſday the 29th day of October following, and then met, make, and paſs an act, intituled, "An Act for granting Compenſation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

Paſſed by the Repreſentatives, December 6, 1766.
Paſſed by the Council, ditto.
Signed by the Governor, ditto.

And I do further certify, that the paper annexed is a true and authentic copy of the act, or law aforementioned.

In teſtimony whereof, I have cauſed the public ſeal of the province of Maſſachuſett's Bay aforeſaid, to be hereunto affixed, dated at Boſton the 27th day of December, 1766, in the 7th year of his Majeſty's reign. By his Excellency's command, A. OLIVER, Secretary.

*Copy of the Act mentioned in the aforegoing Repreſentation* (No. I.) *paſſed in Maſſachuſett's Bay, Dec.* 6, 1766.

(No. II.)

*An Act paſſed by the Great and General Court, or Aſſembly, of his Majeſty's Province of the Maſſachuſett's Bay, in New England, begun and held at Boſton, upon Wedneſday the* 28th *Day of May,* 1766, *and from thence continued by ſeveral Prorogations, to Wedneſday the* 29th *Day of October following, and then met.*

"An Act for granting Compenſation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times.".

WHEREAS

WHEREAS the King's moſt Excellent Majeſty, taking into his gracious and ſerious conſideration, the troubles, diſcords, tumults, and riots that have lately happened in America, and that divers of his ſubjects have thereby greatly ſuffered in their property, and others have fallen into, and are obnoxious to great pains and penalties, out of a hearty and pious deſire that ſuch ſufferers be compenſated, and to put an end to all ſuits, controverſies, and proſecutions, that by occaſion of the late diſtractions have ariſen, or may ariſe between any of his Majeſty's ſubjects, and to the intent that a veil may be drawn over the late unhappy exceſſes, has been graciouſly pleaſed to ſignify his deſire to forgive and forget them, at the ſame time, of his abundant clemency, recommending a compenſation to the ſufferers in their property, with ſuch a conduct in general, as ſhall be at this general criſis, the beſt means of fixing the mutual intereſt and inclination of Great Britain and her Colonies, on the moſt firm and ſolid foundations.

From a grateful ſenſe of his Majeſty's grace and clemency, in order to promote internal peace and ſafety, to make compenſation to ſaid ſufferers, and as a means, ſo far as it is in our power, of demonſtrating to all the world our ſenſe of the happineſs we enjoy, in being a part of the Britiſh empire, and being intitled to the rights, liberties, and privileges of Britiſh ſubjects. We his Majeſty's moſt dutiful and loyal ſubjects, the Repreſentatives of the Commons of this Province, in the Great and General Court aſſembled, of our free and good will, have reſolved to give and grant, and pray that it may be enacted.

And be it accordingly enacted, by the Governor, Council and Houſe of Repreſentatives, that there be granted and paid out of the public treaſury of this Province, to the Hon. Thomas Hutchinſon, Eſq; the ſum of £3194. 17*s*. 6*d*. in full compenſation for the loſſes and ſufferings that he, and the ſeveral perſons in his family ſuſtained, in the late times of confuſion.

To the Hon. Andrew Oliver, Eſq; the ſum of £172. 4*s*.

To Benjamin Hallowell, jun. the ſum of £385. 6*s*. 10*d*.

To William Story, Eſq; the ſum of £67. 8*s*. 10*d*. in full compenſation for their loſſes and ſufferings, in the late times of confuſion.

And be it further enacted, that all riots, routs, and unlawful aſſemblies, counſelled, commanded, acted, done, or made within this province, between the 1ſt day of Auguſt,

1765,

1765, and the 1ſt day of May, 1766, and all burglaries, felonies, reſcues, and breaches of the peace whatſoever, committed in, by, or during ſuch riots, routs, and unlawful aſſemblies, be, and are hereby pardoned, releaſed, indemnified, diſcharged, and put in utter oblivion, and that all and every the perſon or perſons, acting, adviſing, aſſiſting, abetting, and counſelling the ſame, be, and are hereby pardoned, releaſed, acquitted, indemnified, and diſcharged from the ſame, and of, and from all pains of death, and other pains, judgments, indictments, convictions, penalties, and forfeitures, therefore had or given, or that might accrue for the ſame, and that ſuch indictments, convictions, and forfeitures, are hereby declared null and void.

And be it further enacted, that any perſon indicted or preſented, or in any manner proſecuted, or that ſhall, or may be hereafter indicted, preſented, or in any manner proſecuted for any of the offences by this act pardoned, may plead the general iſſue, and give this act in evidence, which ſhall be ſufficient to acquit him.

Provided, that nothing in this act contained, ſhall extend to the pardoning, or give any benefit whatever to any perſon who is, or may be unlawfully poſſeſſed of any goods or chattels, taken or ſtolen from any perſon, unleſs the poſſeſſor ſhall, within thirty days after the publication of this act, have ſurrendered and delivered them up to the Province treaſurer, for the uſe of the province.

Provided alſo, that nothing in this act contained, ſhall extend to the barring any civil action of treſpaſs for damages ſuſtained by any perſon not by this act compenſated, nor to the pardoning any of the crimes or offences above-named, wherein any burglaries, arſons, or thefts were committed againſt the properties of any perſons not compenſated by this act.

*Copy of his Majeſty's Order in Council, dated April* 13, 1767, *referring to the Lords of the Committee of Council, the aforegoing Repreſentation and Act.*

(No. III.)

*At the Court at St. James, April* 13, 1767.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Upon reading at the Board, a repreſentation from the Lords Commiſſioners for Trade and Plantations, dated this day,

day, upon an Act paſſed in his Majeſty's Province of the Maſſachuſett's Bay, in New England, on the 6th of December, 1766, intituled,

"An Act for granting Compenſation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

WHICH act had not, till this day, been laid before the Council Board—It is ordered by his Majeſty in Council, that the ſaid repreſentation and act be, and they are hereby referred to the Right Hon. the Lords of the Committee of Council for Plantation Affairs, to conſider the ſame, and report their opinion thereupon to his Majeſty at this Board.

*Copy of the Report of the Lords of the Committee of Council, dated May 9, 1767, upon conſidering the aforegoing Repreſentation and Act.*

(No. IV.)

*At the Council-Chamber, Whitehall, May 9, 1767.*

*By the Right Hon. the Lords of the Committee of Council for Plantation Affairs.*

PRESENT,

| | |
|---|---|
| Lord Chancellor | Viscount Barrington |
| Lord President | Viscount Clare |
| Duke of Grafton | Lord North |
| Duke of Bolton | Lord Sandys |
| Duke of Ancaster | Mr. Speaker |
| Lord Steward | J. Steuart Mackenzie, Esq. |
| Earl of Denbigh | |
| Earl of Cholmondeley | Mr. Secretary Conway |
| Earl of Marchmont | Mr. Chancellor of the Exchequer |
| Earl of Bristol | |
| Earl of Harcourt | Wellb. Ellis, Esq. |
| Earl of Hillsborough | Hans Stanley, Esq. |
| Earl of Shelburne | L. C. J. Wilmot |
| Viscount Howe | Isaac Barre, Esq. |

Your Majeſty having been pleaſed by your order in Council, of the 13th of laſt month, to refer unto this committee a repreſentation of the Lord's Commiſſioners for Trade and Plantations, touching and concerning an act paſſed by the Great and General Court, or Aſſembly of your Majeſty's Province

Province of the Maſſachuſett's Bay, in New-England, on the 6th day of December, 1766, intitled,

"An Act for granting Compenſation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

THE Lords of the Committee, in obedience to your Majeſty's ſaid order of reference, did on the 1ſt and 4th of this inſtant, and again upon this day, meet, and take the ſaid repreſentation and act into their conſideration, together with the charter granted to the ſaid Province, by your Majeſty's royal predeceſſors, King William and Queen Mary, and alſo your Majeſty's commiſſion and inſtruction to the preſent Governor of that Province, and upon a due deliberation had thereupon, and after a diligent enquiry into the precedents of the conduct of the Council Board, in ſimilar caſes, their Lordſhips are humbly of opinion, that it may be adviſeable for your Majeſty (if in your royal wiſdom you ſhall think fit) to diſallow and reject the ſaid act, the ſaid Aſſembly having therein unwarrantably incorporated an act of Pardon with an act of Compenſation, without having obtained your Majeſty's previous conſent to ſuch act of Pardon—And that it may be likewiſe adviſeable for your Majeſty to direct your Governor of the Maſſachuſett's Bay, forthwith to require the ſaid act of Aſſembly to paſs a particular and effectual act for compenſating all or any of the ſufferers, unmixed with any other matter whatſoever, in caſe ſuch compenſation ſhall not have been already made—And the Committee ſubmit this opinion to your Majeſty, without prejudice to the conſideration of any queſtion touching the nullity of the act now under conſideration, *ab initio*, whenever the ſame may judicially come into queſtion.

*Copy of his Majeſty's Orders in Council, dated May* 13, 1767. *approving of the aforegoing Report of the Lords of the Committee of Council.*

(No. V.)

*At the Court at St. James's, the* 13*th of May*, 1767.

PRESENT,

*The King's moſt Excellent Majeſty.*

His R. H. the DUKE of YORK
EARL of BESBOROUGH
EARL of HILLSBOROUGH
ARCH-

| | |
|---|---|
| Archbishop of Canterbury. | Earl of Shelburne |
| Lord President | Viscount Falmouth |
| Duke of Bolton | Viscount Barrington |
| Duke of Queensbury | Viscount Clare |
| Duke of Argyle | Bishop of London |
| Marquis of Granby | Lord Berkley of Stratton |
| Lord Steward | Lord Bathurst |
| Lord Chamberlain | Lord Sandys |
| Earl of Denbigh | Mr. Treasurer of the Household |
| Earl of Shaftesbury | J. Stewart Mackenzie, Esq. |
| Earl of Litchfield | Wellb. Ellis, Esq. |
| Earl of Marchmont | Sir Gilbert Elliot |
| Earl of Bristol | Master of the Rolls |
| Earl of Harcourt | |
| Earl of Ilchester | |

Upon reading at the Board a report of the Right Hon. the Lords of the Committee of Council for Plantation Affairs, dated the 9th of this inſtant, in the words following, viz.

*At the Council-Chamber, Whitehall, May 9, 1767.*

*By the Right Honourable the Lords of the Committee of Council for Plantation Affairs.*

PRESENT,

| | |
|---|---|
| Lord Chancellor | Viscount Barrington |
| Lord President | Viscount Clare |
| Duke of Grafton | Lord North |
| Duke of Bolton | Lord Sandys |
| Duke of Ancaster | Mr. Speaker |
| Lord Steward | J. Stewart Mackenzie, Esq. |
| Earl of Denbigh | Mr. Secretary Conway |
| Earl of Cholmondeley | Mr. Chancellor of the Exchequer |
| Earl of Marchmont | Wellb. Ellis, Esq. |
| Earl of Bristol | Hans Stanley, Esq. |
| Earl of Harcourt | L. C. J. Wilmot |
| Earl of Hillsborough | Isaac Barre, Esq. |
| Earl of Shelburne | |
| Viscount Howe | |

Your

Your Majeſty having been pleaſed by your order in Council on the 13th of laſt month, to refer unto this Committee a repreſentation of the Lords Commiſſioners for Trade and Plantations, touching, and concerning an Act paſſed by the Great and General Court, or Aſſembly of your Majeſty's Province of the Maſſachuſett's Bay, in New-England, on the 6th of December, 1776, intitled,

"An Act for granting Compenſation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion to the Offenders in the late Times."

THE Lords of the Committee, in obedience to your Majeſty's ſaid order of reference, did on the 1ſt and 4th of this inſtant, and again, upon this day meet and take the ſaid repreſentation and act into their conſideration, together with the charter granted to the ſaid Province, by your Majeſty's royal predeceſſors, King William and Queen Mary, and alſo your Majeſty's commiſſion and inſtructions to the preſent Governor of that Province, and upon due deliberation had thereupon, and after a diligent inquiry into theprecedents of the conduct of the Council Board, in ſimilar caſes, their Lordſhips are humbly of opinion, that it may be adviſeable for your Majeſty (if in your royal wiſdom you ſhall think fit) to diſallow and reject the ſaid act, the ſaid Aſſembly having therein unwarrantably incorporated an act of Pardon with an act of Compenſation, without having obtained your Majeſty's previous conſent to ſuch act of Pardon :—And that it may likewiſe be adviſeable for your Majeſty to direct your Governor of the Maſſachuſett's Bay forthwith, to require the ſaid Aſſembly to paſs a particular and effectual act for compenſating all, or any of the Sufferers, unmixed with any other matter whatſoever, in caſe ſuch compenſation ſhall not have been already made—And the Committee ſubmit this opinion to your Majeſty, without any prejudice to the conſideration of any queſtion touching the nullity of the act now under conſideration, *ab initio*, whenever the ſame may judicially come into queſtion.

His Majeſty this day took the ſaid report into conſideration, and was pleaſed, with the advice of his Privy Council, to approve thereof, and accordingly to order that the ſaid act be, and it is hereby diſallowed and rejected, and his Majeſty doth hereby further order, that the Governor, Lieutenant-Governor, or Commander in Chief of the Province of the Maſſa-

Maſſachuſett's Bay, do forthwith require the ſaid Aſſembly to paſs a particular and effectual act for compenſating all or any of the ſufferers, unmixed with any other matter whatſoever, in caſe ſuch compenſation ſhall have been already made.

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*Copy of Major General Gage's Letter to the Secretary of War.*

*New-York, Oct.* 11, 1766.

(No. V. *.)

*My Lord,*

I Have uſed all endeavours to tranſmit to you the eſtimates of North-America by the preſent opportunity, and have the honor to ſend herewith ſixteen different eſtimates of the ordinary contingent military expences, and three of extraordinary contingent expences, with an abſtract of the whole. There yet remains to be ſent the eſtimates of Weſt-Florida, and that of the Quarter-maſter's department in the diſtrict of Albany—both have been wrote for frequently, and will be forwarded to your Lordſhip as ſoon as they can be obtained. The engineers are not yet come in from the outpoſts, nor the naval people from the Lakes; if any thing ſhall appear farther neceſſary to be done in repairs, or to ſtrengthen ourſelves in thoſe parts, particular eſtimates thereof will be tranſmitted hereafter.

For a long time paſt I have been examining and curtailing expences as much as could be, in every part under my command, and the eſtimates now tranſmitted, I believe to be as exact as they can be made at an average, to aſcertain the annual contingent military expences of North-America, wanting only to complete the whole of the eſtimates already mentioned, from Weſt-Florida and Albany.

There appears in the eſtimate from Hallifax, a great number of ſtore-houſes to be repaired; I have wrote to the officer commanding to diſpoſe of any that ſhall not be abſolutely wanted for the ſervice.

In the Quarter-maſter General's department, the article of building boats at Fort Pitt is heavy, but that buſineſs was examined and enquired into before it was undertaken, and the crown pays the ſame prices as every trader upon the Ohio; but the moſt weighty article, is the tranſportation of proviſions and ſtores from Fort Pitt to Fort Chartres. This is put down to ſhew the expence that will be incurred, if the neceſſity

neceſſity of the ſervice ſhall oblige me to forward proviſions, ſufficient for the feeding of a regiment for twelve months, with their cloathing, &c. and that no aſſiſtance can be got from the country in the article of proviſion. This year a large quantity of proviſions has been procured there; if their harveſt has been good, a further ſupply will be got next year, by which conſiderable tranſportations will be ſaved; and opportunities have offered this year, which has enabled me to make further ſavings. The recruits which arrived for the 34th regiment have been employed in the tranſportation, in lieu of batteau men, and though to be allowed ſome gratuity for the wear of their neceſſaries, it will be far ſhort of the wages of the others. Upon the whole, this article muſt be uncertain, but the ſupplying a regiment at the Ilinois is ſo very expenſive, that I muſt uſe every means in my power that can reduce it.

The payment of the two troops of Rangers in Georgia, is included in the contingent expence, as I don't know whether proviſion is made for them with the reſt of the army, or not. They are not paid out of the contingencies, but by warrants on the Deputy Pay-maſter General, as the other troops are paid.

It was remarked with the eſtimates ſent laſt year, that the Superintendants of the Northern and Southern Indians, drew upon the Commander in Chief for their ſalaries, as well as for the ſalaries of all the officers in their reſpective departments, and their other contingent expences; but that I could not ſend their eſtimates, as they were tranſmitted to the Board of Trade. I have, however, deſired Sir William Johnſon and Mr. Steuart, to ſend them a liſt of their deputies, commiſſaries, interpreters, ſmiths, &c. with their annual pay. As ſoon as I ſhall be able to procure theſe liſts, they will be forwarded to your Lordſhip.

Your Lordſhip will pardon my errors from the hurry I write in, to be in time for the mail; which being very near cloſing, will not permit me to make further obſervations, at preſent. If any occur hereafter, I ſhall have the honor to mention them by another opportunity. I have the honor to be with great truth, reſpect, and eſteem, my Lord, your Lordſhip's moſt obedient, and moſt humble ſervant,

THOMAS GAGE.

*Extract*

*Extract of a Letter from Major General Gage to Lord Barrington.*

*New-York, Oct.* 28, 1766.

(No. VI. *)

I Take the opportunity of a private ſhip, to tranſmit your Lordſhip the eſtimates of the Deputy Quarter-maſter General's department in the diſtricts of Albany, and of the expences of the repairs and contingencies of Fort Amherſt, in the iſland of St. John's, both which arrived too late for the laſt packet; and I had omitted to take notice of the laſt in my letter, with the other eſtimates ſent by that opportunity. The eſtimate of Weſt Florida, I hope, may be tranſmitted to your Lordſhip directly from thence, which I directed to ſave time, as alſo that a duplicate might be ſent here.

Some expences will probably be incurred at the Ilinois, the eſtimates of which have been wrote for long ago, but I can't expect any clear account of that poſt, 'till the chief engineers, whom I ſent there, and down the Miſſiſipi, in the ſpring, ſhall return to me.

In the eſtimate of the Barrack-maſter General, the yearly ſum to be allowed contractors, for keeping up and repairing the furniture of the barracks for twenty years, is inſerted, though no contract has as yet been entered into. As ſoon as any propoſals ſhall be made on this head, they will be tranſmitted to the Lords Commiſſioners of his Majeſty's Treaſury. A ſum is likewiſe charged in the above eſtimate, for a complete new ſet of furniture for the whole barracks in North-America, which in general was much wanted. From comparing theſe two ſums, the Board of Treaſury will be able to form a judgment of the contract, according to the propoſals on this head already ſent by the Barrack-maker General.

I likewiſe herewith incloſe a liſt of the ſuperintendents, deputies, commiſſaries, interpreters, and ſmiths, for the managements of Indians in the northern diſtrict of North-America, according to what is there called the new plan, which I preſume to be a plan ſettled with the Board of Trade, and may be properly called the Indian Staff for the northern diſtrict. As ſoon as Mr. Steuart, the Superintendant of the ſouthern Indians, ſends me the ſtaff of his diſtrict, it will be

be tranſmitted to your Lordſhip;—both the Superintendants draw upon the Commander in Chief for their ſalaries of all their ſtaff, as well as their other expences, eſtimates of which I have already acquainted your Lordſhip, are ordered, as I am informed, to be tranſmitted to the Board of Trade.

An eſtimate of the expence of proviſions is making out in the beſt manner it can be done, but I fear it will not be finiſhed in time for the preſent conveyance.

*Extract of a Letter from Major General Gage to Lord Barrington.*

*New-York, Nov. 9, 1766.*

(No. VII. *)

I Have the honour to tranſmit your Lordſhip the eſtimate of the expence of proviſions conſumed annually in North-America, calculated for every part except Weſt-Florida, from whence the returns were forbid to be ſent to the Commiſſary General, as his deputy informs him; but as I afterwards ſent particular directions to Colonel Taylor, acting Brigadier-General, concerning this matter, ſince his arrival at Penſacola, I am to hope they will at length be procured. When the returns ſhall be received, the expence ariſing from the proviſions in that province, will be added to the incloſed eſtimate. As your Lordſhip preſſed ſo ſtrongly for the eſtimates, I ſend off without delay, all that I can procure, as they come in.

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*Extracts from the Manuſcript Journal of the General Aſſembly of New-York, laid before Parliament.*

*Aſſembly-Chamber, City-Hall, in the City of New-York, Die Lunæ, 11 ho. A. M. the 10th of Nov. 1766.*

THE General Aſſembly having on the 3d of July laſt been prorogued to Tueſday the 7th of October next following, and his Excellency the Governor having, by ſeveral proclamations ſince publiſhed, farther prorogued them to this day, to meet upon buſineſs.

Fifteen members purſuant thereto, appearing in the Aſſembly-Chamber, Mr. Speaker took the chair.

Ordered, That Mr. Bayard and Colonel Livingſton wait upon his Excellency the Governor, and acquaint him that a ſuf

a ſufficient number of members are met to proceed upon buſineſs, and that they attend his directions.

Mr. Bayard reported, that Colonel Livingſton and himſelf, had waited on his Excellency the Governor, and delivered their meſſage, and that his Excellency had been pleaſed to ſay he would come up to the Council-Chamber in the City-Hall immediately, and ſend a meſſage for the houſe.

A meſſage from his Excellency the Governor, by Mr. Banyar, Deputy Secretary.

Mr. Speaker, His Excellency the Governor requires the immediate attendance of this houſe in the Council-Chamber, in the City-Hall.

Mr. Speaker left the chair, and the whole houſe attended accordingly, and being returned, he reſumed the chair, and reported that his Excellency had been pleaſed to make a ſpeech to the houſe, of which, to prevent miſtakes, he had obtained a copy, which being read, is in the words following; viz.

*Gentlemen of the Council, and Gentlemen of the General Aſſembly,*

"The meeting of the General Aſſembly has been delayed beyond the uſual time, as I was in daily expectation of receiving his Majeſty's commands, in regard to an humble repreſentation made of the diſtreſs in which this colony would ſhortly be involved, through the want of a ſufficient paper currency. And it is with the greateſt ſatisfaction, that I can open this ſeſſion with a freſh inſtance of his Majeſty's paternal regard and protection extended to this Province, who has been graciouſly pleaſed under certain reſtrictions, to revoke that inſtruction, by which the Commander in Chief here was precluded from giving his conſent to any act which ſhould be framed for ſtriking bills of credit, and iſſuing the ſame in lieu of money. The royal attention, ſo conſtantly paid to the ſufferings of the people, and the late examples given of it, are ſuch ſignal inſtances of his Majeſty's condeſcenſion and tenderneſs for their intereſts, as cannot fail of exciting the warmeſt ſentiments of gratitude in the minds of every ſubject, and be productive of the higheſt returns of duty and ſubmiſſion.

*Gentlemen of the General Aſſembly,*

"The great expence in which this colony has been engaged for ſome time paſt, and the difficulties which ſtill

ſubſiſt in regard to limits, between this and the neighbouring Provinces of Maſſachuſett's and the Jerſeys, have engaged me to aſcertain as ſoon as poſſible, the line which his Majeſty has been pleaſed to fix by his royal proclamation, for the boundary between this Province and Quebec, and after the neceſſary ſupplies of government are raiſed, I muſt recommend it to the General Aſſembly to make proviſion for the farther opening and continuing this line, in which I flatter myſelf, that the province of Quebec, equally intereſted in it, will readily contribute, as a mutual benefit will be derived from it. I muſt at the ſame time, earneſtly requeſt that proper meaſures may be taken to ſettle the boundaries between the different counties in this Province, and fix them by authority:—The want of a due attention to ſo neceſſary a ſervice, has already given riſe to many inconveniencies, and the continual ſcenes of litigation and diſorder, occaſioned by vague and undetermined limits, call for redreſs in the ſtrongeſt terms.

*Gentlemen of the Council, and Gentlemen of the General Aſſembly,*

"I ſhall, during the courſe of your ſeſſion, take opportunities of laying before you ſome matters which have occurred to me during the late tour I made, and recommending to your conſideration whatever may be conducive to the public ſervice; as I am fully perſuaded, that the legiſlative bodies will cheerfully co-operate with me in whatever can be propoſed for his Majeſty's ſervice, and the good of their country.

H. MOORE."

*New-York, Nov.* 1, 1766.

Reſolved, That his Excellency's ſpeech be taken into conſideration, to-morrow, by the houſe.

*Aſſembly-Chamber, at the Houſe of Matthew Erneſt, in the Out-Ward of the City of New-York, Die Martis,* 10 *ho. A. M. the* 11*th of Nov.* 1766.

*To his Excellency Sir Henry Moore, Bart. Captain-General, and Governor in Chief, in, and over the Colony of New-York, and the Territories depending thereon in America, Chancellor and Vice-Admiral of the ſame.*

*The*

*The humble Addreſs of the General Aſſembly of the ſaid Colony.*

*May it pleaſe your Excellency,*

WE his Majeſty's moſt dutiful ſubjects, the General Aſſembly of the Colony of New-York, return your Excellency our moſt hearty thanks for your ſpeech.

The ſatisfaction your Excellency expreſſes in being permitted to relieve the diſtreſs this colony is fallen into, through the want of a medium of trade, cannot but be extremely agreeable to us, as it affords a further proof of your attention to, and concern for our intereſts.

We are deeply ſenſible of his Majeſty's paternal care and tender regard for all his ſubjects, and we are confident we ſhall ever be ready to make ſuch returns of duty and ſubmiſſion, as may be expected from the moſt loyal ſubjects to the beſt of ſovereigns.

Had your Excellency been permitted, by the inſtructions you have received, to have paſſed a bill for the iſſuing of paper money in the uſual manner, we ſhould have been ſo cautious in the exerciſe of that power, that no perſon, either at home or abroad, would have been in the leaſt danger of being injured in his property, and the public credit of this Colony would have been, as it ever has been, the object of our peculiar care and attention. But, ſince we fear that no bill for that purpoſe can be paſſed without a ſuſpending clauſe, are determined to bear our diſtreſſes as well as we are able, except your Excellency will be pleaſed, conſidering the preſſing neceſſities we lay under, to paſs a bill without ſuch an unuſual clauſe.

Your Excellency's care to ſettle the boundaries between this Colony and Quebec, will probably prevent many miſchievous conſequences which might otherwiſe ariſe from the neglect of a thing of that importance, and, for like reaſons, we ſhall be ready to contribute all the aſſiſtance in our power, to enable your Excellency to ſettle, at leaſt, a temporary line of juriſdiction between this Colony and the Province of the Maſſachuſett's Bay.

The ſettlement of the boundaries of the ſeveral counties in this Colony, where they are in a manner uncertain, we look upon as a object deſerving the moſt ſerious attention of the legiſlature, and abſolutely neceſſary to peace, order, and the due execution of the powers of government. We ſhall pay a due regard, therefore, to what your Excellency recom-

mends on that ſubject, as well as to whatever elſe you ſhall think proper to lay before us during the courſe of this ſeſſion, in which we ſhall be ambitious of demonſtrating, that your Excellency has done us no more than ſtrict juſtice, in ſuppoſing that we will cheerfully co-operate with you, in whatever can be propoſed for his Majeſty's ſervice, and the good of this country. By order of the General Aſſembly,

*Aſſembly-Chamber, in the Out-Ward of the City of New-York, the 13th of November, 1766.*

W. NICOLL, Speaker.

*His Excellency's Anſwer.*

*Gentlemen of the General Aſſembly,*

I Return you my hearty thanks for this addreſs, and for the ſentiments you expreſs of my attention to the public welfare. The aſſurances you give of acting cheerfully with me, in ſo good a cauſe, cannot fail of being productive of the greateſt advantage to this Colony.

Mr. Banyar, Deputy Secretary, brought to the Houſe, from his Excellency the Governor, an additional inſtruction from his Majeſty to him, which his Excellency deſired might be communicated to the Houſe, and being read, is in the words following:

*Additional Inſtruction to our Truſty and Well-beloved Sir H. Moore, Bart. our Captain-General, and*
George R. *Governor in Chief of our Province of New-York, and the Territories depending thereon in America.*
L. S. *Given at our Court at St. James's, the 15th of July, 1766, in the Sixth Year of our Reign.*

WHEREAS by the 20th Article of our General Inſtructions to you, given at our Court at St. James's, the day of , in the ſixth year of our reign, you are ſtrictly forbid to give your aſſent to any act within our Province of New-York, under your government, whereby paper bills may be ſtruck or iſſued in lieu of money, unleſs upon ſudden and extraordinary emergencies of government, in caſe of war, or invaſion, and upon no other occaſion whatever. And whereas it hath been repreſented unto us, that the currency of all the paper bills of credit now in circulation within our ſaid Province of New-York, will, by the limitation of the laws by which they were reſpectively iſſued,

iſſued, ceaſe and determine in the year 1768, by means whereof the commerce of our ſaid Province, as well as the ordinary ſervices of government there, will be expoſed to great difficulty and inconvenience. It is, therefore, our will and pleaſure, that the 20th article of our ſaid General Inſtructions to you, relative to the iſſue of paper bills of credit, be, and it is hereby revoked and annulled. And it is our farther will and pleaſure, and you are hereby permitted and allowed to give your aſſent to any act or acts of Aſſembly of the ſaid Province, for creating and iſſuing paper bills of credit, in lieu of, and for ſecuring any ſum or ſums of money, not exceeding in the whole the ſum of £26000 currency of that Province, provided that in ſuch act or acts of Aſſembly, whereby ſuch paper bills, or bills of credit, ſhall be created or iſſued, due care be taken to aſcertain the real value of ſuch paper bills, or bills of credit, and that an ample and ſufficient fund be provided for calling in, ſinking, and diſcharging the ſaid bills within a reaſonable time, not exceeding five years, and provided, that you do take care, in the paſſing of any act, or acts of Aſſembly for the purpoſes above-mentioned, that there be a clauſe, or clauſes inſerted, therein ſuſpending and deferring the execution thereof, until our pleaſure ſhall be known concerning the ſame. G. R.

The Houſe then reſolved itſelf into a committee of the whole Houſe, upon his Excellency's ſpeech—after ſome time ſpent therein, Mr. Speaker reſumed the chair, and Mr. Philip Livingſton reported from the ſaid committee, that they had made ſome progreſs therein, and had directed him to move that they may have leave to ſit again.

Reſolved, That his Excellency's ſpeech be taken into further conſideration to-morrow—and then the Houſe adjourned till nine o'clock to-morrow morning.

*Die Mercurii, 6 ho. A. M. the 12th of November, 1766.*

Ordered, That the Treaſurer of the Colony, do, by Tueſday the 25th inſtant, lay before the Houſe, the ſeveral following accounts on oath, viz. "An account of the amount of the duty, laid by virtue of an act for granting to his Majeſty the ſeveral duties and impoſitions on goods, wares, and merchandizes imported into this Colony thereinmentioned, together with an account how much had been

paid out of the ſame, from the 1ſt day of September, 1765, to the 1ſt day of September, 1766.

" An account of the amount of licences to hawkers and pedlars, from the 1ſt day of September, 1765, to the 1ſt day of September, 1766.

" An account of the amount of his receipts, from the ſeveral and reſpective loan-officers, diſtinguiſhing how much, on account of the principal, and how much for intereſt, ſince his laſt account thereof delivered.

" An account of his receipts on the exciſe fund ſince his laſt account thereof delivered—An account of his payments out of the £5000, lodged in his hands, by an act paſſed in the year 1765, for refreſhing, &c. ſuch of his Majeſty's troops as may paſs through this Colony, ſince his laſt account thereof delivered—An account of his receipts from the ſeveral and reſpective collectors and county Treaſurers, on account of the ſeveral and reſpective taxes, and arrears of taxes due to this Colony, from the time that his laſt accounts thereof was delivered, until the day he delivered his accounts, diſtinguiſhing particularly, how much paid by each reſpective city and county, on what tax, and on what arrears of taxes.

" An account how much hath ariſen by virtue of an act, intitled, An Act for laying a Duty of Tonnage on the Veſſels, and for the Time therein-mentioned, from the 1ſt day of September, 1765, to the 1ſt day of September, 1766.

" An account of his receipts, by virtue of the ſeveral acts, enabling him to draw bills of exchange on Sir William Baker, Knt. and Robert Charles, Eſq; for money allotted to this Colony by his Majeſty, out of the parliamentary grants, towards reimburſing the Colonies, the expence of the war, ſince his laſt account thereof delivered.

" An account of his receipts, by virtue of an act paſſed the 20th of October, 1764, intitled, An Act, appropriating the ſum of £59250 of the monies therein mentioned, for calling in, ſinking, and cancelling bills of credit, to the amount of the miſſions therein-mentioned, together with an account of the bills of credit cancelled in conſequence of the ſaid act, ſince his laſt account thereof delivered.

" An account how much he hath received, purſuant to an act paſſed the 20th of December, 1763, intitled, An Act to impower John Cruger, Robert R. Livingſton, Philip Livingſton, Leonard Liſpenard, and William Bayard, Eſqrs. to receive from the Colony of Pennſylvania, the ſum of £4368

£4368 2s. 6d. ſterling, overpaid to the ſaid Colony out of the parliamentary grant, for the ſervice of the year 1760, ſince his laſt account thereof delivered.

" An account of his payments, purſuant to an act paſſed the 20th of October, 1764."

*Die Martis, 9 ho. A. M. the 18th of November, 1766.*

A meſſage from his Excellency the Governor, by Mr. Banyar, Deputy-Secretary, which being read, is in the words following; viz.

*Gentlemen of the General Aſſembly,*

In conſequence of a report made to the Lords Commiſſioners for Trade and Plantations, of the act paſſed in the laſt ſeſſion of Aſſembly, for providing barracks, fuel, &c. for his Majeſty's troops quartered in this city, and my letter to the Secretary of State on the ſame occaſion, I have had the honor of the following letter from the Earl of Shelburne.

SIR, *Whitehall, Aug. 9, 1766.*

I Took the firſt opportunity, after his Majeſty had been moſt graciouſly pleaſed to entruſt me with the ſeals of the ſouthern department, to lay before him your letter of the 20th of June, giving an account of the general ſatisfaction expreſſed by all ranks and degrees of people, on the repeal of the Stamp-act, and likewiſe your reaſons for aſſenting to a bill for providing barracks, firewood, candles, bedding, and utenſils for the kitchen, for the King's troops, as demanded, notwithſtanding the articles of ſalt, vinegar, cyder, and beer, be not included, under a pretence that they are not provided for the troops lodged in the barracks in Europe.

I have his Majeſty's commands to acquaint you of the ſatisfaction he feels in the happineſs of his ſubjects, ariſing from the tender care and conſideration of his Parliament. But I am ordered to ſignify to you, at the ſame time, that as it is the indiſpenſable duty of his ſubjects in America to obey the acts of the legiſlature of Great-Britain, the King both expects and requires a due and cheerful obedience to the ſame, and it cannot be doubted that his Majeſty's Province of New-York, after the lenity of Great-Britain ſo recently extended to America, will not fail duly to carry into execution the act of parliament paſt laſt ſeſſion, for quartering his Majeſty's troops, in the full extent and meaning of the act, without referring to the uſage of other parts

of his Majeſty's dominions, where the legiſlature has thought fit to preſcribe different regulations, and which cannot be altered any more than in North-America, except upon a reſpectful and well-grounded repreſentation of the hardſhip or inconvenience. Theſe conſiderations, I am convinced muſt, of themſelves, have ſo much weight with the Aſſembly of New-York, not only in the preſent conjuncture, when it is natural to ſuppoſe the minds of men retain ſenſible impreſſions of what has lately paſſed, but upon other occaſions which may call for a ready obedience, that I cannot think it neceſſary for me to enlarge further upon their importance—I muſt only, Sir, in general, add, that I hope and believe, that a very little time, together with that temporal adminiſtration of government, which your regard to the people under it, muſt make you naturally incline to, and that firmneſs which your duty to the King equally requires, will allay whatever remains of thoſe heats, which have ſo unhappily for America prevailed, and which if continued, muſt prove of the moſt fatal conſequence to whatever Province they are ſuffered in. I am, therefore, perſuaded that the Aſſembly will loſe no occaſion that offers, of convincing his Majeſty, that the people of New-York, will yield to no other part of his ſubjects, in duty, loyalty, and obedience to ſuch laws as the King and Parliament have thought proper to enact, for their benefit and protection.

(Signed) SHELBURNE.

I flatter myſelf, that on a due conſideration of this letter, no difficulties can poſſibly ariſe, or the leaſt objection be made to the proviſion for the troops, as required by the act of parliament.

*Fort-George, Nov.* 17, 1766. H. MOORE.

Ordered, That the ſaid meſſage be referred to the conſideration of the committee, to whom his Excellency's ſpeech is committed.

*Die Mercurii, 9 ho. A. M. the 19th of November,* 1766.

The Houſe (according to order) reſolved itſelf into a committee of the whole Houſe upon his Excellency's ſpeech—after ſome time ſpent therein, Mr. Speaker reſumed the chair, and Mr. Philip Livingſton reported the reſolutions of the committee, which he read in his place, and afterwards delivered in at the table, where the ſame were again read and agreed to by the Houſe, and are as follow, viz.

" Reſolved,

"Reſolved, That it is the opinion of this committee, that there be allowed unto his Excellency Sir Henry Moore, Bart. for adminiſtring the government of this Colony, from the 1ſt day of September, 1766, to the 1ſt day of September, which will be in the year 1767, after the rate of £2000 *per annum.*

"Reſolved, That it is the opinion of this committee, that there be allowed unto his Excellency, for providing fire-wood and candles for his Majeſty's Fort George, in the city of New-York, from the 1ſt day of September, 1766, to the 1ſt day of September, 1767, the ſum of £400.

"Reſolved, That it is the opinion of this committee, that there be allowed unto the Hon. Daniel Horſemanden, Eſq; as Chief Juſtice of the Supreme Court of this Colony, and for going the circuits from the 1ſt day of September, 1766, to the 1ſt day of September, 1767, after the rate of £300 *per annum.*

"That it is the opinion of this committee, that there be allowed unto the Hon. David Jones, Eſq; as Second Juſtice of the Supreme Court of this Colony, and for going the circuits from and to the time aforeſaid, after the rate of £200 *per annum.*

"Reſolved, That it is the opinion of this committee, that there be allowed unto the Hon. William Smith, Eſq; as Third Juſtice of the Supreme Court of this Colony, and for going the circuits from and to the time aforeſaid, after the rate of £200 *per annmm.*

"Reſolved, That it is the opinion of this committee, that there be allowed unto the Hon. Robert R. Livingſton, Eſq; as Fourth Juſtice of the Supreme Court of this Colony, and for going the circuits from and to the time aforeſaid, after the rate of £200 *per annum.*

"That it is the opinion of this committee, that there be allowed unto William Weyman, as public Printer of this Colony, for his ſervices in that ſtation, from and to the time aforeſaid, after the rate of £50 *per annum.*

"Reſolved, That it is the opinion of this committee, that there be allowed unto Abraham de Peyſter, Eſq; Treaſurer of this Colony, for his ſervices in that ſtation, from and to the time aforeſaid, after the rate of £200 *per annum.*

"Reſolved, That it is the opinion of this committee, that there be allowed unto the ſaid Treaſurer, for the extraordinary ſervices which he is now obliged to perform beyond

beyond the uſual duty of his office, after the rate of the further ſum of £100 *per annum*.

" Reſolved, That it is the opinion of this committee, that there be allowed unto Robert Charles, Eſq; Agent for this Colony in Great-Britain, as a reward for his care, trouble, and diligence, in attending upon his Majeſty, and his miniſters of ſtate, in that ſtation, from and to the time aforeſaid, after the rate of £500 *per annum*.

" Reſolved, That it is the opinion of this committee, that there be allowed unto John Tabor Kempe, Eſq; his Majeſty's Attorney-General of this Colony, for ſeveral extraordinary ſervices by him performed in that ſtation, the ſum of £150.

" Reſolved, That it is the opinion of this committee, that there be allowed unto Abraham Lott, Eſq; Clerk of the General Aſſembly, for his ſervices in that ſtation, from the 1ſt day of September, 1766, to the 1ſt of September, 1767, twenty ſhillings *per diem*, payable upon a certificate from the General Aſſembly, ſigned by the Speaker, for the number of days he has ſerved, or may ſerve the General Aſſembly.

" Reſolved, That it is the opinion of this committee, that there be allowed for anſwering ſuch neceſſary and contingent charges as may ariſe or happen for the ſervice of this Colony, from the 1ſt day of September, 1766, to the 1ſt day of September, 1767, the ſum of £100.

" Reſolved, That the foregoing ſeveral allowances be made payable out of the monies ariſen, or which may ariſe by virtue of the following acts; viz.

" An act for granting to his Majeſty the ſeveral duties and impoſitions on goods, wares, and merchandizes imported into this Colony therein-mentioned. And

" An Act to reſtrain hawkers and pedlars within this Colony, from ſelling without licence.

" Ordered, That a bill be brought in, purſuant to the ſaid reſolutions, and that Colonel Seaman and Mr. Schenk prepare and bring in the ſame."

*Die Martis, 9 ho. A. M. the 25th of November,* 1766.

A meſſage from his Excellency the Governor by Mr. Banyar, Deputy Secretary, which being read, is in the words following; viz.

*Gentlemen of the General Aſſembly,*

" Incloſed, is an account of what money has been paid to the officers of his Majeſty's 28th regiment in quarters here,

here, who were lodged in the town, as there was no ſufficient room for them in the barracks provided for the two batallions and company of artillery, by act paſſed in the laſt ſeſſion of Aſſembly. This ſum has been advanced by the mayor and corporation of this city, and agreeable to their requeſt, it is now recommended to the Houſe of Aſſembly, that they may be reimburſed. No money has been paid as yet, either to the officers of his Majeſty's 46th regiment, or to the officers of the artillery. H. MOORE.

"*Fort-George, Nov.* 24, 1766.

Ordered, That the ſaid meſſage and account mentioned therein, be referred to the conſideration of a committee of the whole Houſe.

Abraham de Peyſter, Treaſurer of this Colony (according to order) attending at the door, was called in, and laid before the Houſe the ſeveral accounts on oath; viz.

"An account of the produce of the tonnage fund, from the 1ſt day of September, 1765, to the 1ſt day of September, 1766, amounting to the ſum of £406 18*s.* 4¼*d.*

"An account that he has received from the ſeveral and reſpective loan-officers, ſince his laſt account thereof delivered, viz.

| | |
|---|---|
| For intereſt - - | £. 1375 |
| On account of the principal | £.11375 |

"An account that he has received from the ſeveral collectors and county Treaſurers, on account of the ſeveral taxes laid by ſeveral laws of this Colony, amounting from the 5th of December, 1765, to the 25th of November, 1766, to the ſum of £17829 6*s.* 2½*d.*

"An account that he has paid, purſuant to an act paſſed the 3d of July, 1766, intitled, An Act to furniſh the Barracks in the cities of New-York and Albany, with Firewood and Candles, and the other Neceſſaries therein-mentioned, for his Majeſty's Forces, the ſum of £3200.

"An account that he has received from John Cruger, Philip Livingſton, Robert R. Livingſton, Leonard Liſpenard, and William Bayard, Eſqrs. on account of the £4368 2*s.* 6*d.* ſterling, they were impowered by law to receive from the Colony of Pennſylvania, ſince his laſt account thereof delivered, the ſum of £456 0*s.* 2*d.*

"An account that he has received for ſeveral bills of exchange drawn on Sir William Baker, Knt. and Robert Charles,

Charles, Eſq; ſince his laſt account thereof delivered, the ſum of £4608.

" A general account of the amount of the ſeveral duties, &c. for ſupporting the government of this Colony, together with an account of the payments out of the ſame, from the 1ſt day of September, 1765, to the 1ſt day of September, 1766, wherein he charges himſelf with the balance due to this Colony on account of the ſaid duties, &c. on the 1ſt day of September, 1765, of the ſum of - - - -

| | £. | s. | d. |
|---|---|---|---|
| | 2460 | 3 | 5¾ |
| With the ſum of £4811 8s. 11¾d. received for the duty on rum, wine, brandy, &c. during the aboveſaid time - - | 4811 | 8 | 11¾ |
| And with the ſum of £135 received for licence to hawkers and pedlars, during the aboveſaid time - - | 135 | 0 | 0 |
| | £7406 | 12 | 5 |
| And charges the Colony with ſundry ſums paid out of the ſaid fund, amounting to the ſum of - - - | 7111 | 4 | 6 |
| And makes a balance due to the Colony on the 1ſt day of September, 1766, of the ſum of - - - | £ 295 | 7 | 11½ |

*Die Martis, 9 ho. A. M the 2d of December, 1766.*

Mr. Speaker communicated to the Houſe the following letter and accounts; viz.

" A letter from his Honor the Lieutenant-Governor, dated the 1ſt inſtant, demanding payment for arrears of ſalary due to him, from the 1ſt of September to the 13th of November, 1765, and alſo for damages by him ſuſtained on the 1ſt day of November, 1765.

" An account of Alexander Gordon, Eſq; for a ſingle ſleigh loſt on the ſaid 1ſt day of November, 1765.

" An account of Dr. Jonathan Mallet, of a ſingle horſe-chaiſe, and part of harneſs, loſt on the ſaid 1ſt day of November, 1765.

" And an account of Andrew Gautier, for repairing the damages done to the houſe of Samuel Francis, on the ſaid 1ſt day of November, 1765.

" Ordered, That the ſaid letter and accounts be referred to the conſideration of a committee."

Die

*Die Veneris, 9 ho. A. M. 5th of December, 1766.*

The Houſe taking into conſideration the many grievances reſulting from the act of parliament, reſtraining the iſſuing paper bills of credit to the inhabitants of this Colony, for want of a proper medium of trade.

" Reſolved, That an humble addreſs be prepared, in order to be preſented to the parliament of Great Britain, repreſenting the hardſhips and inconveniencies the inhabitants of this Colony lay under, for the want of a competent medium of trade, and praying relief.

" Ordered, That a committee be appointed to prepare the ſaid addreſs, and a committee was appointed accordingly."

*Die Martis, 9 ho. A. M. the 9th of December, 1766.*

A meſſage from his Excellency the Governor, by Mr. Banyar, Deputy Secretary, which being read, is in the words following; viz.

*Gentlemen,*

" The incloſed accounts duly atteſted, of the workmen employed in the reparations and alterations of the houſe at the Fort, are now laid before the Houſe of Aſſembly, and recommended for payment.

" *Fort-George, Dec.* 8, 1766." H. MOORE.

Ordered, That the ſaid meſſage and accounts be referred to the conſideration of a committee, and that it be an inſtruction to them to add a proper clauſe, or clauſes to the bill now in committee, for paying Major James his loſſes, for paying ſo much of the ſaid accounts as ſhall be found to be really and truely due thereon.

A meſſage from his Excellency the Governor, by Mr. Banyar, Deputy Secretary, which being read, is in the words following; viz.

*Gentlemen,*

" His Majeſty's 28th and 46th regiments having been employed for ſome time in quelling the riots and diſorders which had broke out in the counties of Ducheſs and Albany, I now recommend it to the houſe of Aſſembly, that a compenſation be made to them for the extraordinary neceſſaries expended by them in the ſervice of the government.

" *Fort George, Dec.* 8, 1766. H. MOORE.

A Pe-

A Petition of Henry Van Shaack, of the city of Albany, merchant, was preſented to the Houſe, and read, praying an allowance for damages by him ſuſtained on the 6th of January laſt, by diſorders occaſioned by the late Stamp-act, amounting, as by the account annexed to the ſaid petition, to the ſum of £103. 1s. 6d.

Ordered, That the ſaid petition and account be referred to the ſame committee.

The Houſe reſolved itſelf into a committee of the whole Houſe, upon the bill, intituled, "An Act for paying Major Thomas James, the Loſſes by him ſuſtained on the 1ſt of November, 1765," and the ſeveral other accounts referred to the committee on the ſaid bill:—after ſome time ſpent therein, Mr. Speaker reſumed the chair, and Mr. Bayard reported the proceedings of the committee to have been in manner following; viz. "That they had reſolved to make the following allowances, and added proper clauſes to the ſaid bill, for paying unto Andrew Gautier, for repairing the houſe of Samuel Francis, for damages done thereto, on the 1ſt of November, 1765, the ſum of — £404. 6s. 5d.

Unto Jonathan Mallet, for damages by him ſuſtained on the ſaid 1ſt day of November, 1765, the ſum of £36. 0s. 0d.

And unto Henry Van Shaack, of Albany for damages by him ſuſtained on the 6th day of January 1766, the ſum of £103. 1s. 6d.

"That a letter from his Honor the Lieutenant Governor to Mr. Speaker, of the 1ſt inſtant, demanding payment for arrears of ſalary, due to him from the 1ſt of September to the 13th of November, 1765, alſo for damages by him ſuſtained on the 1ſt of November, 1765, was then read, and the ſame being maturely conſidered, the committee came to the following reſolutions thereon; viz.

"Reſolved, That it is the opinion of this committee, that the loſs ſuſtained by Lieutenant Governor Colden, on the 1ſt day of November, 1765, was occaſioned by his own miſconduct, and that therefore no proviſion ought to be made for paying him the ſame.

"Reſolved, That it is the opinion of this committee, that that part of the Lieutenant Governor's letter relating to the arrears of ſalary due to him, be referred to the conſideration of the committee to whom his Excellency's ſpeech is committed.

"Reſolved,

" Reſolved, That the meſſage of his Excellency the Governor relating to the repairs done to the houſe in the Fort, with the accounts accompanying the ſame, be referred to the conſideration of the committee to whom his Excellency's ſpeech is committed."

*Die Veneris, 9 ho. A. M. the 12th of December, 1766.*

The Houſe (according to order) reſolved itſelf into a committee of the whole Houſe, upon the meſſage of his Excellency the Governor, of the 17th of November laſt, relating to the proviſion required for his Majeſty's troops quartered in this colony:—after ſome time ſpent therein, Mr. Speaker reſumed the chair, and Mr. Philip Livingſton reported the reſolution of the committee thereon, which he read in his place, and afterwards delivered it in at the table, where the ſame was again read, and is as follows; viz.

" Reſolved, That it is the opinion of this committee, that an humble addreſs be preſented to his Excellency the Governor, in anſwer to the ſaid meſſage, ſhewing that the General Aſſembly cannot, conſiſtent with the truſt repoſed in them by their conſtituents, comply with the requiſition made by the ſaid meſſage, and that the reaſons thereof be ſet forth in the ſaid addreſs.

" Reſolved, *(Nemine Contradicente)* That the Houſe do agree with the committee in the ſaid reſolution."

The Houſe (according to order) reſolved itſelf into a committee of the whole Houſe upon his Excellency's ſpeech, and the ſeveral other papers referred thereto:—after ſome time ſpent therein, Mr. Speaker reſumed the chair, and Colonel Seaman, in behalf of Mr. Philip Livingſton, reported the proceedings of the committee, which he read in his place, and afterwards delivered in at the table, where the ſame were again read and agreed to by the Houſe, and are as follows; viz.

" That upon reading of the meſſage from his Excellency the Governor, of the 8th inſtant, recommending a compenſation to be made to the detachments of his Majeſty's 28th and 46th regiments that were employed in quieting the diſorders in the counties of Ducheſs and Albany, Mr. Juſtice Livingſton moved, that there be allowed to each private man of the 46th regiment the ſum of twenty ſhillings, and to each private man of the 28th the ſum of ten ſhillings, as a gratuity for their ſervices."

And

And a debate ariſing, and the queſtion being put upon the ſaid motion, it was carried in the negative, in the manner following; viz.

| *For the Affirmative* | *For the Negative* |
|---|---|
| Col. Livingston | Mr. Speaker |
| Mr. Cruger | Mr. Kissam |
| Mr. Bayard | Mr. Boerum |
| Col. Philipse | Mr. Schenk |
| Mr. Holland | Mr. Thomas |
| Mr. de Lancey | Col. Haring |
| Mr. Justice Livingston | Mr. Philip Livingston |
| Mr. Miller | Capt. Seaman |
| | Col. Seaman |

[Upon all diviſions, the names of the gentlemen, *for* and *againſt*, are entered upon the journals.]

*Die Sabbati, 9 ho. A. M. the 13th of December,* 1766.

The engroſſed bill, entituled, "An Act for paying the Salaries and Services of the ſeveral Officers of the Government, from the 1ſt Day of September, One Thouſand Seven Hundred and Sixty-Six, to the 1ſt Day of September, One Thouſand Seven Hundred and Sixty-Seven, incluſive, and other Services therein-mentioned," was read the third time.

Reſolved, That the bill do paſs.

Ordered, That Mr. Cruger and Mr. Bayard do carry the bill to the Council, and deſire their concurrence thereto.

A petition of Jacob Dyckman, junior, Benjamin Palmer, and John Vermillie, was preſented to the Houſe and read, praying a reimburſement of the expence they have been at in building a free bridge over Harlem River, nigh King's Bridge.

Ordered, That the ſaid petition be referred to the conſideration of the committee to whom the memorial of Col. Philipſe is committed.

The Houſe then reſolved itſelf into a committee of the whole Houſe upon the ſaid memorial and petition:—after ſome time ſpent therein, Mr. Speaker reſumed the chair, and Mr. Kiſſam reported the reſolution of the committee, which he read in his place, and afterwards delivered in at the table, and is as follows; viz.

"Reſolved,

"Reſolved, That it is the opinion of this committee, that the further conſideration of the ſaid memorial and petition be poſtponed until the ſecond Tueſday next, after the firſt meeting of this Houſe, after the 1ſt day of May next."

And the ſaid reſolution being again read,

"Reſolved, That the Houſe do agree with the committee in the ſaid reſolution."

*Die Lunæ, 3 ho. P. M. the 15th of Dec. 1766.*

The engroſſed addreſs to his Excellency the Governor was read, and approved by the Houſe.

Ordered, That Mr. Speaker ſign the ſaid addreſs in behalf of the Houſe, which is in the following words; viz.

*To his Excellency Sir Henry Moore, Bart. Captain-General and Governor in Chief in and over the Colony of New-York, and the Territories depending thereon in America, Chancellor and Vice-Admiral of the ſame.*

*The Humble Addreſs of the General Aſſembly of the ſaid Colony.*

*May it pleaſe your Excellency,*

WE his Majeſty's moſt dutiful and loyal ſubjects the General Aſſembly of the Colony of New-York, have taken your Excellency's meſſage of the 17th of November laſt into our moſt ſerious conſideration, and beg leave to aſſure your Excellency, that nothing would give us greater pleaſure, that to find it in our power to comply with every requiſition tending in any manner to promote his Majeſty's ſervice. It is, therefore, with great concern, that we find it impoſſible to comply with what is now demanded, conſiſtent with our obligations to our conſtituents. We ſhall always be ready to give the ampleſt teſtimonies of our loyalty to his Majeſty, and ſubmiſſion to his government, from which we humbly conceive we do not deviate, when we ſhew a regard to the intereſt of his faithful ſubjects in this Colony, abſolutely neceſſary to their preſervation.

We hope it will be conſidered, that we are choſen to make ſuch a proviſion for the ſupport of his Majeſty's government in this Colony (as well as for other important purpoſes) as is moſt ſuitable to the circumſtances of the people we repreſent, and that we ſhould be guilty of a breach of that moſt ſacred truſt, if we ſhould load them with burthens we are incapable of ſupporting.

In the proviſion we made laſt ſeſſion for quartering two batallions and one company of artillery, we loaded ourſelves with a burthen much greater than any of the neighbouring governments lie under for that ſervice, and imagined, that far from being cenſured on that account, it would be accepted as a new inſtance of that loyalty and affection to his Majeſty's government, of which this Colony has exhibited ſo many proofs.

We beg leave further to repreſent to your Excellency, that by the act of parliament it appears to be the intention of the legiſlature to provide for the quartering ſoldiers only on a march, but according to the conſtruction put on it here, it required that all the forces which ſhall at any time enter this Colony, ſhall be quartered during the whole year in a very unuſual and expenſive manner. That by the marching ſeveral regiments into this Colony, this expence would become ruinous and inſupportable. And, therefore, we cannot, conſiſtent with our duty to our conſtituents, put it in the power of any perſon (whatſoever confidence we may have in his prudence and integrity) to lay ſuch a burthen on them.

We ſhould be very ſorry to differ from your Excellency on this or any other political ſubject, and therefore it is proper to offer theſe matters to your conſideration, in hopes that they will be ſufficient to demonſtrate, that the objections againſt making the proviſion required, are of a nature the moſt ſerious and weighty imaginable. And, therefore, we humbly intreat your Excellency to ſet our conduct in the moſt favourable, that is, in its true light, by repreſenting that our non-compliance on this occaſion proceeds entirely from a juſt ſenſe of what our duty requires.

By order of the General Aſſembly,

W. NICOLL, Speaker.

*Aſſembly-Chamber, Dec.* 15, 1766.

Reſolved, That the ſaid addreſs be preſented to his Excellency by the whole Houſe.

*De Jovis, 9 ho. A. M. the* 18*th of Dec.* 1766.

Mr. Speaker reported, that the Houſe had attended his Excellency the Governor with their humble addreſs, according to his appointment, and that his Excellency had been pleaſed to return the following anſwer thereto; viz.

*Gentlemen*

*Gentlemen of the General Aſſemb'y,*

It is with no ſmall concern, that I find the ſentiments of this Houſe differing ſo much from mine, in regard to the ſubject matter of the addreſs now preſented to me, which ſhall by the firſt opportunity be tranſmitted to the Secretary of State, in order to be laid before his Majeſty.

*Die Veneris, 9 ho. A. M. the 19th of Dec. 1766.*

A meſſage from his Excellency the Governor, by Mr. Banyar, Deputy-Secretary.

Mr. Speaker. His Excellency the Governor requires the immediate attendance of this Houſe in the Council-Chamber, at the houſe of Mr. Matthew Erneſt.

Mr. Speaker left the chair, and with the Houſe attended accordingly, where his Excellency, in the preſence of the Council, was pleaſed to give his aſſent to twenty acts paſſed this ſeſſion.

And after the ſame was publiſhed in the uſual manner, his Excellency was pleaſed to prorogue the General Aſſembly till Tueſday the 10th day of March, 1767.

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In page 8, it is noticed that the Aſſemblies of Maſſachuſett's Bay and New-York, petitioned in 1764, againſt the reſolution to charge ſtamp-duties in America; and that theſe petitions were ſuppreſſed. *See* (Authentic Papers, *p.* 8.

*Copy of an Addreſs to the King, from the Council and Houſe of Burgeſſes of the Province of Virginia.*

*To the King's Moſt Excellent Majeſty.*

*Moſt Gracious Sovereign,*

WE your Majeſty's dutiful and loyal ſubjects, the Council and Burgeſſes of your antient colony and dominion of Virginia, now met in General Aſſembly, beg leave to aſſure your Majeſty of our firm and inviolable attachment to your ſacred perſon and government: And as your faithful ſubjects here have at all times been zealous to demonſtrate this truth, by a ready compliance with the royal requiſitions during the late war, by which a heavy and oppreſſive debt of near half a million hath been incurred; ſo at this time they implore permiſſion to approach the throne with humble con-

fidence, and to entreat that your Majeſty will be graciouſly pleaſed to protect your people of this Colony in the enjoyment of their ancient and ineſtimable right of being governed by ſuch laws, reſpecting their internal polity and taxation, as derived from their own conſent, with the approbation of their ſovereign or his ſubſtitute :—a right, which as men and the deſcendants of Britons, they have ever quietly poſſeſſed, ſince firſt by royal permiſſion and encouragement they left the mother kingdom to extend its commerce and dominion.

Your Majeſty's dutiful ſubjects of Virginia moſt humbly and unanimouſly hope, that this invaluable birth-right, deſcended to them from their anceſtors, and in which they have been protected by your royal predeceſſors, will not be ſuffered to receive injury under the reign of your ſacred Majeſty, already ſo illuſtriouſly diſtinguiſhed by your gracious attention to the liberties of the people.

That your Majeſty may long live to make nations happy, is the ardent prayer of your faithful ſubjects the Council and Burgeſſes of Virginia.

*To the Right Honourable the Lords Spiritual and Temporal, in Parliament aſſembled.*

*The Memorial of the Council and Burgeſſes of Virginia, now met in General Aſſembly,*

*Humbly Repreſents,*

That your Memorialiſts hope an application to your Lordſhips, the fixed and hereditary guardians of Britiſh liberty, will not be thought improper at this time, when meaſures are propoſed ſubverſive, as they conceive, of that freedom which all men, eſpecially thoſe who derive their conſtitution from Britain, have a right to enjoy: and they flatter themſelves that your Lordſhips will not look upon them as objects ſo unworthy your attentions, to regard any impropriety in the form or manner of their application, for your Lordſhips protection of their juſt and undoubted rights as Britons.

It cannot be preſumption in your Memorialiſts, to call themſelves by this diſtinguiſhed name, ſince they are deſcended from Britons, who left their native country to extend its territory and dominion, and who happily for Britain, and, as your Memorialiſts once thought for themſelves too, effected this purpoſe. As our anceſtors brought with them eve-

ry

ry right and privilege they could with juſtice claim, in their mother kingdom, their deſcendants may conclude they cannot be deprived of thoſe rights without injuſtice.

Your Memorialiſts conceive it to be a fundamental principle of the Britiſh conſtitution, without which freedom can no where exiſt; that the people are not ſubject to any taxes, but ſuch as are laid on them by their own conſent, or by thoſe who are legally appointed to repreſent them: Property muſt become too precarious for the genius of a free people, which can be taken from them at the will of others, who cannot know what taxes ſuch people can bear, or the eaſieſt mode of raiſing them; and who are not under that reſtraint, which is the greateſt ſecurity againſt a burthenſome taxation, when the repreſentatives themſelves muſt be affected by every tax impoſed upon the people.

Your Memorialiſts are therefore led into an humble confidence, that your lordſhips will not think any reaſon ſufficient to ſupport ſuch a power in the Britiſh parliament, where the colonies cannot be repreſented; a power never before conſtitutionally aſſumed, and which if they have a right to exerciſe on any occaſion, muſt neceſſarily eſtabliſh this melancholly truth, That the inhabitants of the colonies are the ſlaves of Britons, from whom they are deſcended, and from whence they might expect every indulgence, that the obligations of intereſt and affection can entitle them to.

Your Memorialiſts have been inveſted with the right of taxing their own people, from the firſt eſtabliſhment of a regular government in the colony; and requiſitions have been conſtantly made to them by their Sovereigns, on all occaſions, when the aſſiſtance of the colony was thought neceſſary, to preſerve the Britiſh intereſt in America, from whence they muſt conclude they cannot now be deprived of a right they have ſo long enjoyed, and which they have never forfeited.

The expences incurred during the laſt war, in compliance with the demands on this colony, by our late and preſent moſt gracious Sovereign, have involved us in a debt of near half a million: a debt not likely to decreaſe under the continued expence we are at in providing for the ſecurity of the people againſt the incurſions of our ſavage neighbours, at a time when the low ſtate of our ſtaple commodity, the total want of ſpecie, and the late reſtrictions upon the trade of the colonies, render the circumſtances of the people extremely

diſtreſsful, and which, if taxes are accumulated upon them by the Britiſh Parliament, will make them truly deplorable.

Your Memorialiſts cannot ſuggeſt to themſelves any reaſon why they ſhould not ſtill be truſted with the property of their people, with whoſe abilities, and the leaſt burthenſome mode of taxing, (with great deference to the ſuperior wiſdom of Parliament) they muſt be beſt acquainted.

Your Memorialiſts hope they ſhall not be ſuſpected of being actuated on this occaſion by any principles but thoſe of the pureſt loyalty and affection, as they always endeavoured, but their conduct, to demonſtrate that they conſider their connections with Great-Britain, the ſeat of Liberty, as their greateſt happineſs.

The duty they owe to themſelves and their poſterity, lays your Memorialiſts under the neceſſity of endeavouring to eſtabliſh their conſtitution upon its proper foundation. And they do moſt humbly pray your Lordſhips to take this ſubject into your conſideration, with the attention that is due to the well-being of the colonies, on which the proſperity of Great Britain does in a great meaſure depend.

*To the Right Honourable the Knights, Citizens, and Burgeſſes of Great-Britain, in Parliament aſſembled.*

*The Remonſtrance of the Council and Burgeſſes of Virginia.*

It appearing by the printed votes of the Houſe of Commons of Great-Britain in parliament aſſembled, that in a committee of the whole Houſe the 17th day of March laſt, it was reſolved, That towards defending, protecting and ſecuring the Britiſh colonies and plantations in America, it may be proper to charge certain ſtamp duties in the ſaid colonies and plantations; and it being apprehended that the ſame ſubject which was then declined, may be reſumed and further purſued in a ſucceeding ſeſſion, the Council and Burgeſſes of Virginia met in General Aſſembly, judge it their indiſpenſable duty in a reſpectable manner, but with decent firmneſs, to remonſtrate againſt ſuch a meaſure; that at leaſt a ceſſion of thoſe rights, which in their opinion muſt be infringed by that procedure, may not be inferred from their ſilence at ſo important a criſis.

They conceive it is eſſential to Britiſh liberty that laws impoſing taxes on the people ought not to be made without the conſent of repreſentatives choſen by themſelves; who,

at

at the ſame time that they are acquainted with the circumſtances of their conſtituents, ſuſtain a proportion of the burthen laid on them. This privilege inherent in the perſons who diſcovered and ſettled theſe regions, could not be renounced, or forfeited by their removal hither, not as vagabonds and fugitives, but licenſed and encouraged by their Prince, and animated with a laudable deſire of enlarging the Britiſh dominion, and extending its commerce; on the contrary it was ſecured to them and their deſcendants, with all other rights and immunities of Britiſh ſubjects, by a royal charter, which hath been invariably recognized and confirmed by his Majeſty and his predeceſſors in their commiſſions to the ſeveral Governors, granting a power, and preſcribing a form of legiſlation: according to which, laws for the adminiſtration of juſtice, and for the welfare and good government of the colony, have been enacted by the Governor, Council, and General Aſſembly; and to them requiſitions and applications for ſupplies have been directed by the crown. As an inſtance of the opinion which former ſovereigns entertained of theſe rights and privileges, we beg leave to refer to three acts of the General Aſſembly, paſſed in the thirty-ſecond year of the reign of King Charles the Second (one of which is intitled, *An Act for raiſing a public revenue for the better ſupport of the government of His Majeſty's Colony of Virginia*, impoſing ſeveral duties for that purpoſe) which being thought abſolutely neceſſary, were prepared in England, and ſent over by their then Governor, the Lord Culpepper, to be paſſed by the General Aſſembly, with a full power to give the royal aſſent thereto; and which were accordingly paſſed after ſeveral amendments were made to them here. Thus tender was His Majeſty of the rights of his American ſubjects: and the remonſtrants do not diſcern by what diſtinction they can be deprived of that ſacred birthright and moſt valuable inheritance, by their fellow-ſubjects; nor with what propriety they can be taxed or affected in their eſtates by the parliament, wherein they are not, and indeed cannot, conſtitutionally be repreſented.

And if it were proper for the parliament to impoſe taxes on the colonies at all, which the remonſtrants take leave to think would be inconſiſtent with the fundamental principles of the conſtitution, the exerciſe of that power at this time would be ruinous to Virginia, who exerted herſelf in the late war it is feared beyond her ſtrength; inſomuch that to

redeem the money granted for that exigence, her people are taxed for ſeveral years to come: this, with the large expences incurred for defending the frontiers againſt the reſtleſs Indians, who have infeſted her as much ſince the peace as before, is ſo grievous that an increaſe of the burthen will be intolerable; eſpecially as the people are very greatly diſtreſſed already from the ſcarcity of circulating caſh amongſt them, and from the little value of their ſtaple at the Britiſh markets.

And it is preſumed, that adding to that load which the colony now labours under, will not be more oppreſſive to her people than deſtructive of the intereſt of Great-Britain: for the plantation trade, confined as it is to the mother-country, hath been a principal means of multiplying and enriching her inhabitants; and if not too much diſcouraged, may prove an inexhauſtible ſource of treaſure to the nation. For ſatisfaction in this point, let the preſent ſtate of the Britiſh fleet and trade be compared with what they were before the ſettlement of the colonies; and let it be conſidered, that whilſt property in land may be acquired on very eaſy terms, in the vaſt uncultivated territories of North-America, the coloniſts will be moſtly, if not wholly employed in agriculture; whereby the exportation of their commodities to Great-Britain, and the conſumption of their manufactures ſupplied from thence, will be daily increaſing. But this moſt deſirable connection between Great-Britain and her colonies, ſupported by ſuch an happy intercourſe of reciprocal benefits as is continually advancing the property of both, muſt be interrupted, if the people of the latter, reduced to extreme poverty, ſhould be compelled to manufacture thoſe articles they have been hitherto furniſhed with from the former.

From theſe conſiderations it is hoped that the Honourable Houſe of Commons will not proſecute a meaſure, which thoſe who may ſuffer it cannot but look upon as fitter for exiles driven from their native country after ignominiouſly forfeiting her favours and protection, than for the poſterity of Britons, who have at all times been forward to demonſtrate all due reverence to the mother-kingdom, and are ſo inſtrumental in promoting her glory and felicity; and that Britiſh patriots will never conſent to the exerciſe of anti-conſtitutional power; which even in this remote corner may be dangerous in its example to the interior parts of the

the Britiſh empire, and will certainly be detrimental to its commerce.

*To the Honourable the Commons of Great-Britain, in Parliament aſſembled.*

*The Petition of the Council and Houſe of Repreſentatives of his Majeſty's Province of Maſſachuſett's-Bay,*

*Moſt humbly ſheweth,*

That the act paſſed in the laſt ſeſſion of parliament, entitled, *An Act granting certain Duties in the Britiſh Colonies and Plantations in America, &c.* muſt neceſſarily bring many burdens on the inhabitants of thoſe colonies and plantations, which your petitioners conceive, would not have been impoſed, if a full repreſentation of the ſtate of the colonies had been made to this honourable houſe.

That the duties laid upon foreign ſugars and molaſſes by a former act of parliament, entitled, *An Act for the better ſecuring and encouraging the Trade of his Majeſty's Sugar Colonies in America:* if the act had been executed with rigor, muſt have had the effect of an abſolute prohibition.

That the duties laid on thoſe articles by the preſent act ſtill remain ſo great, that, however otherwiſe intended, they muſt undoubtedly have the ſame effect.

That the importation of foreign molaſſes into this province in particular, is of the greateſt importance, and a prohibition will be prejudicial to many branches of its trade, and will leſſen the conſumption of the manufactures of Great-Britain.

That this importance does not ariſe merely nor principally from the neceſſity of foreign molaſſes, in order to its being conſumed or diſtilled within this province.

That if the trade for many years carried on for foreign molaſſes can no longer be continued, a vent cannot be found for more than one half the fiſh of inferior quality, which is caught and cured by the inhabitants of this province; the French permitting no fiſh to be carried by foreigners to any of their iſlands, unleſs it be bartered or exchanged for molaſſes.

That if their be no ſale of fiſh of inferior quality, it will be impoſſible to continue the fiſhery; the fiſh uſually ſent to Europe will then coſt ſo dear, that the French will be able to underſell the Engliſh at all the European markets, and by

by this means one of the moſt valuable returns to Great-Britain will be utterly loſt, and that great nurſery of ſeamen deſtroyed.

That the reſtraints laid upon the exportation of timber, boards, ſtaves, and other lumber from the colonies to Ireland and other parts of Europe, except Great-Britain, muſt greatly affect the trade of this province, and diſcourage the clearing and improving the lands which are yet uncultivated.

That the powers given by the late act to the court of vice-admiralty conſtituted over all America, are ſo expreſſed, as to leave it doubtful, whether goods ſeized for illicit importation in any of the colonies, may not be removed to any other colony where the judge may reſide, although at many hundred miles diſtance from the place of ſeizure.

That, if this conſtruction ſhould be admitted, many perſons, however legally their goods may have been imported, muſt loſe their property, merely from an inability of following after it, and making that defence which they might do, if the trial had been in the colony where the goods were ſeized; that this conſtruction would be ſo much the more grievous, ſeeing that in America, the officers by this act are indemnified in caſe of ſeizure, whenſoever the judge of admiralty ſhall certify that there was probable cauſe; and the claimant can neither have coſts, nor maintain an action againſt the perſons ſeizing, how much ſoever he may have expended in defence of his property.

That the extenſion of the powers of courts of vice-admiralty, have, ſo far as the juriſdiction of the ſaid courts have been extended, deprived the colonies of one of the moſt valuable of Engliſh liberties, trials by juries.

That every act of parliament, which in this reſpect diſtinguiſhes his Majeſty's ſubjects in the colonies, from their fellow-ſubjects in Great-Britain, muſt create a very ſenſible concern and grief.

That there have been communicated to your petitioners ſundry reſolutions of the Houſe of Commons in their laſt ſeſſion, for impoſing certain ſtamp duties and taxes upon the inhabitants of the colonies, conſideration whereof was referred to the next ſeſſion.

That your petitioners acknowledge with all gratitude, the tenderneſs of the legiſlature of Great-Britain, of the liberties and privileges of the ſubjects in the colonies, who have always judged by their repreſentatives, both of the way and manner

manner in which internal taxes ſhould be raiſed within the reſpective governments.

That they humbly hope the colonies in general have ſo demeaned themſelves, more eſpecially during the late war, as ſtill to deſerve the continuance of all thoſe liberties and privileges which they have hitherto enjoyed.

That although during the war the taxes upon the colonies were greater than they have been ſince the concluſion of it, yet the ſources by which the inhabitants were enabled to pay their taxes having ceaſed, and their trade being decayed, they are not ſo able to pay the taxes they are ſubjected to in time of peace, as they were the greater taxes in time of war.

That one principal difficulty which has ever attended the trade of the colonies proceeds from the ſcarcity of money, which ſcarcity is cauſed by the balance of trade with Great-Britain, which has been continually againſt the colonies.

That the drawing ſums of money from the colonies from time to time, muſt diſtreſs the trade to that degree, that eventually Great-Britain muſt loſe more by the diminution of the conſumption of her manufactures, than all the ſums which it is poſſible for the colonies thus to pay, can counter-vail.

That they humbly conceive, if the taxes which the inhabitants of this province are obliged annually to pay towards the ſupport of the internal government, the reſtraint they are under in their trade, for the benefit of Great-Britain, and the conſumption thereby occaſioned of Britiſh manufactures be all conſidered, and have their due weight, it muſt appear that the ſubjects in this province, are as fully burthened as their fellow-ſubjects in Britain, and that they are, whilſt in America, more beneficial to the nation than they could be if they ſhould be removed to Britain, and there held to a full proportion of the national taxes and duties of every kind.

Your petitioners therefore moſt humbly pray, that they may be relieved from the burdens, which they have humbly repreſented to have been brought upon them by the late act of parliament, as to the wiſdom of the honourable houſe ſhall ſeem meet; that the privileges of the colonies, relative to their internal taxes, which they have ſo long enjoyed, may ſtill be continued to them, or that the conſideration of ſuch taxes upon the colonies may be referred until your petitioners, in conjunction with the other governments, can have opportunity

tunity to make a more full repreſentation of the ſtate and condition of the colonies, and the intereſt of Great-Britain with regard to them.

*** *The Petitions and Repreſentations from New-York, Rhode-Iſland, &c. are to the ſame effect.*

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On Friday the 15th of May, 1767, Mr. Fuller having reported to the Houſe of Commons from the committee of the whole houſe, to whom it was referred, to conſider of the ſeveral papers which had been preſented to the houſe this ſeſſion of parliament, relating to the North American colonies—ſeveral reſolutions, importing, That it appeared to the committee, that the Houſe of Repreſentatives of his Majeſty's province of New-York, have, in direct diſobedience of the authority of the legiſlature of Great-Britain, refuſed to make proviſion for ſupplying with neceſſaries his Majeſty's troops, in ſuch manner as is required by an act of parliament, made in the 5th year of his Majeſty's reign, intituled, 'An Act to amend and render more effectual, in 'his Majeſty's dominions in America, an act paſſed in this 'preſent ſeſſions of parliament, entitled, An act for puniſh-'ing mutiny and deſertion, and for the better payment of 'the army and their quarters.'

Alſo that it appeared to the committee, that an act of aſſembly hath been paſſed in the ſaid province, for furniſhing the barracks in the cities of New-York and Albany, with fire-wood and candles, and other neceſſaries therein-mentioned, for his Majeſty's forces, inconſiſtent with the proviſions, and in oppoſition to the directions of the ſaid act of parliament.

Alſo, that it is the opinion of the committee, that until proviſion ſhall have been made by the ſaid Aſſembly, for furniſhing the King's troops, with all the neceſſaries required by the ſaid act of parliament, the governor, council, and aſſembly, be reſpectively reſtrained and prohibited from paſſing or aſſenting to any act of Aſſembly, for any other purpoſe whatever;—and in conſequence of theſe reſolutions, a bill was brought in, and paſſed.

In the debate on this bill Governor Pownall ſaid, Are you determined from hence to direct and regulate the quartering of the King's troops in North America?—Do it in a way that brings it home to the executive power there, to carry your directions and regulations into execution; explain and amend

amend your act: make it practicable; make it effective; and then you may fairly decide whether they deny your ſovereignty or not. You will find they do not. If you think your way of making an adequate and certain proviſion for the charge of this ſervice, is *by the parliament's impoſing a tax* upon the people for that purpoſe; and that you have power, and it is adviſeable to exert that power, to effectuate ſuch ſupply, by ſuch tax, you need not heſitate to avow it openly and directly; for the people of the colonies, from one end of the continent to the other, do invariably conſider the clauſe in the act of parliament, directing *how* that charge ſhall be ſupplied, as an *internal tax impoſed upon them.*—It is from this idea, that every act of obedience, as well as of diſobedience to your act of parliament, muſt be conſtrued and explained. Thoſe whom you are willing to underſtand as having obeyed your act, have contrived to do it *in a mode* which neither recognizes the act of parliament, nor ſubmits to the taxation—as ſuch. And although you repreſent the aſſembly of the province of New-York *alone*, as having revolted againſt this power—believe me, *there is not a province, a colony, or a plantation, that will ſubmit to a tax thus impoſed*, more than New-York will. All have ſhewn their readineſs to execute this ſervice of quartering as an act of their own—all have, in their zeal to provide for it, by a grant of their own, provided a ſupply to anſwer the expence;—but not one ſingle aſſembly has or ever will, act under the powers and proviſions of this act, as acknowledging, and, in conſequence thereof apportioning, aſſeſſing, and levying, the ſupply, as a tax impoſed by parliament. They have either acted without taking notice at all of this act of parliament, or have contrived ſome way or other to vary in ſome particulars, ſufficient to make the execution and the tax an act of their own.—Try the conduct of every province and colony through by this rule, and you will find nothing particular in the caſe of New-York—*Don't fancy that you can divide the people upon this point*, and that you need only divide to govern —*you will by this conduct only unite them* the more inſeparably —you will make the cauſe of New-York a common cauſe and will call up every other province and colony to ſtand forth in their juſtification—while New-York, learning from the complexion of your meaſure, how to avoid or evade the purport of your *enforcing bill*, will *ſuſpend the force* of it, inſtead

ſtead of it *ſuſpending the aſſembly* of that province, againſt whom it is brought forward.

The clauſe in the quartering act, directing that the ſupply for reimburſing the expence of quartering the troops *ſhall be raiſed* by the reſpective aſſemblies of the provinces or colonies —which is by all the people of America, conſidered as (and is indeed) a tax impoſed by parliament, *has brought in fact, into diſcuſſion, that queſtion of the right of taxation*, which the cautious and (what I think) imprudent wiſdom of many have endeavoured to keep wrapped up and ſuſpended in theory,— Thoſe things which ſchemes of policy wiſhed to hold in queſtion—acts and deeds will bring into deciſion. You have, on one hand, by your declaratory law, aſſerted your right and power of taxation over the colonies, and ſo far as this act goes, you have exerted that power. On the other hand, it is a fact which the Houſe ought to be apprized of in all its extent, THAT THE PEOPLE OF AMERICA, UNIVERSALLY, UNITEDLY, AND UNALTERABLY, ARE RESOLVED NOT TO SUBMIT TO ANY INTERNAL TAX IMPOSED UPON THEM BY ANY LEGISLATURE, IN WHICH THEY HAVE NOT A SHARE BY REPRESENTATIVES OF THEIR OWN ELECTION.

"This claim muſt not be underſtood, as though it were only the pretences of party-leaders and demagogues; as though it were only the viſions of ſpeculative enthuſiaſts; as though it were the mere ebullition of a faction which muſt ſubſide; as though it were only temporary or partial—it is the cool, deliberate, principal maxim of every man of buſineſs in the country."

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*The following Petition from the Merchants of New-York, was preſented to the Houſe of Commons in this ſeſſion.*

THIS petition ſets forth, 'That the commerce of the North American colonies is ſo ſeverely clogged and reſtricted by the ſtatutes of the 4th and 6th of his preſent Majeſty's reign, as to afford a melancholy preſage of its deſtruction, the fatal effects of which, though firſt felt there, muſt be finally transferred to Great-Britain, and center with her merchants and manufacturers: that an evil ſo extenſive, could not fail of alarming the petitioners, whoſe ſituation expoſes them to the firſt impreſſion of this calamity; whence they think it their duty to implore the houſe to reſume the conſideration of the plantation trade, for effectual redreſs.

It

It is the ſingular diſadvantage of the Northern Britiſh colonies, that, while they ſtand in need of vaſt quantities of the manufactures of Great-Britain, the country produces very little that affords a direct remittance thither in payment, and therefore from neceſſity they have been driven to ſeek a market for their produce, and by a courſe of traffic, to acquire either money or ſuch merchandize, as would anſwer the purpoſe of a remittance, and enable them to ſuſtain their credit with their mother-country: as the nature of the petitioners commerce, when free from the leaſt reſtraints, ought to be underſtood, they beg leave to obſerve, that their produce then ſent to our own and the foreign iſlands, was chiefly bartered for ſugar, rum, melaſſes, cotton and indigo; that the ſugar, cotton, and indigo, ſerved as remittances to Great-Britain, which the rum and molaſſes conſtituted eſſential branches of their commerce, and enabled them to barter with our own colonies for fiſh and rice, and by that means to purſue a valuable trade with Spain, Portugal and Italy, where they chiefly obtained money, or bills of exchange in return, and likewiſe qualified them for adventures to Africa, where they had the advantage of putting off great quantities of Britiſh manufactures, and of receiving in exchange gold, ivory, and ſlaves, which laſt being diſpoſed of in the Weſt India iſlands, commanded money or bills: rum was indiſpenſable in their Indian trade, and with Britiſh manufactures, procured furs and ſkins, which both ſerved for conſiderable returns to Great-Britain, and encreaſed its revenue. The trade to the bay of Honduras was alſo of great importance, it being managed with ſmall cargoes of proviſions, rum and Britiſh manufactures, which, while they were at liberty to ſend foreign logwood to the different ports in Europe furniſhed them with another valuable remittance. From this view, it is evident that ſugar, rum, molaſſes and logwood, with cotton and indigo, are the eſſentials of their return cargoes, and the chief ſources, from which, in a courſe of trade they have maintained their credit with Great-Britain. That conſidering the prodigious conſumption of the produce of the Weſt Indies in Great-Britain, Ireland, and the colonies on the continent of America; the rapid increaſe of thoſe colonies; the vaſt acceſſion of ſubjects by the late conqueſts; the utter incapacity of our own iſland to ſupply ſo great a demand, will, the petitioners preſume, be out of all queſtion; on the other hand, the lumber produced from clearing this immenſe

immenſe territory, and the proviſions extracted from a fertile ſoil, muſt raiſe a ſupply for exportation much greater than all our iſlands can conſume; it ſeems therefore conſiſtent with ſound policy, to indulge thoſe colonies both in the free and unreſtrained exportation of all the lumber and produce they can ſpare, and an ample importation of ſugar, rum and molaſſes, to ſupply the various branches of their trade; ſince without the one the clearing of lands will be diſcouraged; and proviſions, for want of vent, become of little profit to the farmer; without the other, the petitioners muſt be plunged into a total incapacity of making good their payments of Britiſh debts; their credit muſt ſink, and their imports from Great Britain gradually diminiſh, till they are contracted to the narrow compaſs of remittances, in articles of their own produce; whence the colonies muſt, from inevitable neceſſity, betake themſelves to manufactures of their own, which will be attended with conſequences very detrimental to thoſe of Great Britain.

The petitioners have thus repreſented the nature of their commerce, humbly beg leave to point out the ſeveral grievances under which it labours, from the regulations preſcribed by the two before-mentioned acts. The heavy embarraſſments which attend the article of ſugar, is a capital ſubject of complaint; and, beſides the abſolute neceſſity of a great importation to ſuſtain their trade, it often happens, that at the foreign iſlands a ſufficient return-cargo independent of ſugar, cannot be procured, which renders trade precarious and diſcouraging; beſides the high duty of 5s. ſterling a hundred, is found by experience to be ſo exceſſive, that it has induced the fair trader to decline that branch of buſineſs, while, to people leſs ſcrupulous, it preſents an irreſiſtible temptation to ſmuggling. That the preſſure of this duty is not aggravated, the petitioners appeal to the officers of the cuſtoms of their port, who muſt confeſs that there have not been wanting inſtances where merchants have been driven to the diſagreeable neceſſity of bringing their very plate into the cuſtom-houſe to diſcharge it. The petitioners therefore moſt humbly intreat that a more moderate duty be laid on foreign ſugars, which, they are aſſured, would not only greatly promote the proſperity both of thoſe colonies and their mother country, but encreaſe the royal revenue far beyond what can be expected under the preſent reſtraints. The compelling merchants to land and ſtore foreign

ſugars

ſugars in Great Britain, before they are exported to other parts of Europe, is another expenſive and dilatory reſtriction, without being of any material advantage to the revenue of Great Britain; for it puts it out of the petitioners power to meet foreigners at market upon an equal footing. That Britiſh plantation ſugar exported from North America, ſhould be declared French on being landed in England, the petitioners conceive may be juſtly claſſed among the number of hardſhips inflicted by thoſe regulations, as in effect it deprives them of making a remittance in that article, by expoſing them to the payment of the foreign duty in Great Britain, which appears the more ſevere, as their fellow-ſubjects of the iſlands are left at liberty to export thoſe ſugars for what they really are, and a diſtinction is formed which the petitioners cannot but regard with uneaſineſs. That foreign rum, French excepted, is the next article which the petitioners moſt humbly propoſe for conſideration, as its importation, on a moderate duty, would add conſiderably to the revenue, prevent ſmuggling, encreaſe the ſale of Britiſh manufactures, and enable the petitioners to bring back the full value of their cargoes, more eſpecially from the Daniſh iſlands of St. Thomas and St. Croix, where they can only receive half the value in ſugar and cotton, and conſequently rum alone can be expected for the other half, thoſe iſlands having no ſpice but of a baſe kind. That it is with the greateſt concern the petitioners obſerve, that foreign logwood is alſo made ſubject to the delay, hazard, and expence of being landed in Great Britain; which with its low price, its bulk, and the duty with which it is now burthened, muſt totally deſtroy that valuable branch of the petitioners commerce, and throw it into the hands of, foreigners unfettered with thoſe heavy embarraſſments. That their lumber and potaſh, even when ſhipped for Ireland, where the latter is ſo neceſſary for the progreſs of their linen manufacture, and even proviſions, though intended to relieve that kingdom from a famine, are ſubject to the ſame diſtreſſing impediments; nor is flax-ſeed on the timely importation of which the very exiſtence of the linen manufacture immediately depends, exempted: yet both flax-ſeed, lumber, and pot-aſh, may all be imported into Ireland directly from the Baltic, where they are purchaſed from foreigners under the national diſadvantage of being paid for with money inſtead of manufactures; the petitioners, therefore, humbly beg leave to expreſs their hopes,

that an evil ſo highly prejudicial to them, to the ſtaple of Ireland, and to the trade and manufactures of Great Britain, will not fail of obtaining the attention of the Houſe, and an immediate and effectual redreſs. The petitioners beg leave further to repreſent, that the wines from the iſlands, in exchange for wheat, flour, fiſh and lumber, would conſiderably augment the important article of remittance, was the American duty withdrawn on exportation to Great Britain: it is therefore humbly ſubmitted to the Houſe, whether ſuch an expedient, calculated at once to attach the inhabitants to huſbandry, by encreaſing the conſumption of American produce, to encourage Britiſh manufactures by enabling the petitioners to make good their payments, and to encreaſe the royal revenue by an additional import of wines into Great Britain, will not be conſiſtent with the united intereſts both of the mother country and her colonies. The petitioners alſo conceive that the North American fiſhery is of the higheſt national importance, ſince, by annually employing ſo great a number of ſhipping, it conſtitutes a reſpectable nurſery for ſeamen, aud is ſo advantageous in remittances in payment for Britiſh manufactures; whence the petitioners humbly preſume it will be cheriſhed by the houſe, and every impediment removed that tends to check its progreſs. The enlarging the juriſdiction of the admiralty is another part of the fourth of his Majeſty's reign, very grievous to the trade and navigation of the colonies, and oppreſſive to the ſubjects. The petitioners beg leave to expreſs their warmeſt ſentiments of gratitude for the advantages intended by parliament in the opening free ports in the iſlands of Jamaica and Dominica; yet, at the ſame time, cannot but lament their being ſo unhappy as to be unable to reap the benefits, which, it was imagined, would flow from ſo wiſe a policy. The collecting great quantities of the produce of Martinico, Guadaloupe, &c. at the iſland of Dominica, would be of real advantage to the colonies, were they permitted to take them in return for their lumber and proviſions; but as they are now prohibited from taking any thing but molaſſes, the petitioners think it evident, that they can derive no ſubſtantial advantage under ſuch a reſtraint, and are unable to diſcern the principle on which the prohibition is founded; for ſince ſugar may be imported directly from the foreign iſlands, it ſeems much more reaſonable to ſuffer it from a free port belonging to Great Britain. The petitioners, therefore humbly hope,

that

that the Houſe will think it equitable to adapt this trade to their circumſtances, by granting them liberty to import into the colonies all Weſt India productions, in exchange for their commodities; and that, upon the whole, the petitioners, with the greateſt anxiety, find themſelves obliged to inform the Houſe, that although, at the laſt ſeſſion, the neceſſity of relieving the trade of thoſe colonies ſeems to have been univerſally admitted, and the tender regard of parliament for their happineſs highly diſtinguiſhed; nevertheleſs, experience has evinced, that the commercial regulations then enacted, inſtead of remedying, have encreaſed the heavy burthen under which it already laboured. Hence, upon due conſideration, nothing can be more manifeſt, than that the ability of thoſe colonies to purchaſe the manufactures of Great Britain, immediately depends upon, and is inſeparably connected with the progreſs of their commerce; and that ability, by removing the neceſſity of home manufactures, would leave them at liberty to purſue agriculture, in which their intereſt conſiſts. The petitioners, therefore, pray the houſe to take the above into conſideration, and to grant ſuch relief therein as ſhall be thought conſiſtent with good policy, and the mutual intereſts of Great Britain and her colonies.

The petition was ordered to lie upon the table: no other notice was taken of it.

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*A Letter to Dennis de Berdt, Eſq; Agent for the Houſe of Repreſentatives.*

*Province of the Maſſachuſett's Bay, January* 12, 1768.

SIR,

Since the laſt ſitting of the general court, divers acts of parliament relating to the colonies have arrived here: and as the people of this province had no ſhare in the framing thoſe laws, in which they are ſo deeply intereſted, the Houſe of Repreſentatives, who are conſtitutionally entruſted by them as the guardians of their rights and liberties, have thought it their indiſpenſable duty carefully to peruſe them; and having ſo done, to point out ſuch matters in them as appear to be grievous to their conſtituents, and to ſeek redreſs.

The fundamental rules of the conſtitution are the grand ſecurity of all Britiſh ſubjects; and it is a ſecurity which they are all equally entitled to in all parts of his Majeſty's extended dominions. The ſupreme legiſlature, in every free ſtate,

derives its power from the conſtitution, by the fundamental rules of which it is bounded and circumſcribed. As a legiſlative power is eſſentially requiſite, where any powers of government are exerciſed, it is conceived, the ſeveral legiſlative bodies in America were erected, becauſe their exiſtence, and the free exerciſe of their power within their ſeveral limits, are eſſentially important and neceſſary, to preſerve to his Majeſty's ſubjects in America the advantages of the fundamental laws of the conſtitution.

When we mention the rights of the ſubjects in America, and the intereſt we have in the Britiſh conſtitution, in common with all other Britiſh ſubjects, we cannot juſtly be ſuſpected of the moſt diſtant thought of an independency, on Great Britain. Some, we know, have imagined this of the coloniſts; and others may perhaps have induſtriouſly propagated it, to raiſe groundleſs and unreaſonable jealouſies of them: but it is ſo far from the truth, that we apprehend the colonies would refuſe it if offered to them, and would even deem it the greateſt misfortune to be obliged to accept it. They are far from being inſenſible of their happineſs in being connected with the mother conntry, and of the mutual benefits derived from it to both: it is therefore the indiſpenſable duty of all, to cultivate and eſtabliſh a mutual harmony, and to promote the intercourſe of good offices between them: and while both have the free enjoyment of the rights of our happy conſtitution, there will be no grounds of envy and diſcontent in the one, nor of jealouſy and miſtruſt in the other.

It is the glory of the Britiſh conſtitution, that it hath its foundation in the law of God and nature: It is an eſſential natural right, that a man ſhall quietly enjoy, and have the ſole diſpoſal of his own property: this right is adopted into the conſtitution: this natural and conſtitutional right is ſo familiar to the American ſubjects, that it would be difficult, if poſſible, to convince them, that any neceſſity can render it juſt, equitable, and reaſonable, in the nature of things, that the parliament ſhould impoſe duties, ſubſidies, talliages, and taxes, upon them, internal or external, for the ſole purpoſe of raiſing a revenue. The reaſon is obvious; becauſe they cannot be repreſented, and therefore their conſent cannot be conſtitutionally had in parliament.

When the parliament, ſoon after the repeal of the ſtamp-act, thought proper to paſs another act, declaring the authority, power, and right of parliament to make laws that ſhould

ſhould be binding on the colonies in all caſes whatever, it is probable, that acts for levying taxes on the colonies, external and internal, were included: for the act made the laſt year, impoſing duties on paper, glaſs, &c. as well as the ſugar-acts and the ſtamp-act, are, to all intents and purpoſes, in form as well as in ſubſtance, as much revenue acts as thoſe for the land-tax, cuſtoms and exciſes in England. The neceſſity of eſtabliſhing a revenue in America is expreſsly mentioned in the preambles: they were originated in the honourable Houſe of Commons, as all other money and revenue bills are; and the property of the colonies, with the ſame form, ceremony and expreſſions of loyalty and duty, is thereby given and granted to his Majeſty, as they uſually give and grant their own. But we humbly conceive that objections to acts of this kind may be ſafely, if decently made, if they are of dangerous tendency in point of commerce, policy, and the true and real intereſt of the whole empire. It may, and if it can, it ought to be made to appear, that ſuch acts are grievous to the ſubject, burthenſome to trade, ruinous to the nation, and tending on the whole to injure the revenue of the crown. And ſurely, if ſuch mighty inconveniencies, evils and miſchiefs can be pointed out with decency and perſpicuity, there will be the higheſt reaſon not only to hope for, but fully to expect redreſs.

It is obſervable, that though many have diſregarded life and contemned liberty, yet there are few men who do not agree that property is a valuable acquiſition, which ought to be held ſacred. Many have fought, and bled, and died for this, who have been inſenſible to all other obligations. Thoſe who ridicule the ideas of right and juſtice, faith and truth among men, will put a high value upon money: property is admitted to have an exiſtence even in the ſavage ſtate of nature: the bow, the arrow, and the tomahawk: the hunting and the fiſhing ground, are ſpecies of property as important to an American ſavage, as pearls, rubies and diamonds are to the Mogul or a Nabob in the Eaſt, or the lands, tenements, hereditaments, meſſuages, gold and ſilver of the Europeans. And if property is neceſſary for the ſupport of ſavage life, it is by no means leſs ſo in civil ſociety. The Utopian ſchemes of levelling, and a community of goods, are as viſionary and impracticable, as thoſe which veſt all property, in the crown, are arbitrary, deſpotick, and in our government unconſtitutional. Now, what pro-

perty can the coloniſts be conceived to have, if their money may be granted away by others without their conſent? This moſt certainly is the preſent caſe: for they were in no ſenſe repreſented in parliament when this act for raiſing a revenue in America was made. The ſtamp-act was grievouſly complained of by all the colonies: and is there any real difference between this and the ſtamp-act? They were both deſigned to raiſe a revenue in America, and in the ſame manner, viz. by duties on certain commodities: the payment of the duties impoſed by the ſtamp-act might have been eluded by a total diſuſe of the ſtamped paper; and ſo may the payment of theſe duties, by the total diſuſe of the articles on which they are laid: but in neither caſe without difficulty. Therefore the ſubjects here are reduced to the hard alternative, either of being obliged totally to diſuſe articles of the greateſt neceſſity in common life, or to pay a tax without their conſent.

The ſecurity of right and property is the great end of government: ſurely then, ſuch meaſures as tend to render right and property precarious, tend to deſtroy both property and government; for theſe muſt ſtand and fall together. It would be difficult, if poſſible to ſhew, that the preſent plan of taxing the colonies is more favourable to them, than that put in uſe here before the revolution. It ſeems, by the event, that our anceſtors were in one reſpect, not in ſo melancholy a ſituation as we their poſterity are. In thoſe times, the crown and the miniſters of the crown, without the intervention of the parliament, demoliſhed charters, and levied taxes on the colonies at pleaſure. Governor Andros, in the time of James the ſecond, declared, that wherever an Engliſhman ſets his foot, all he hath is the king's: and Dudley declared at the council board, and even on the ſacred ſeat of juſtice, that the privilege of Engliſhmen, not to be taxed without their conſent, and the laws of England, would not follow them to the ends of the earth. It was alſo, in thoſe days, declared in council, that the king's ſubjects in New-England did not differ much from ſlaves; and that the only difference was, that they were not bought and ſold: but there was, even in thoſe times, an excellent Attorney-General, Sir William Jones, who was of another mind; and told King James, that he could no more grant a commiſſion to levy money on his ſubjects in Jamaica, though a conquered iſland, without their conſent by an aſſembly, than they could diſcharge themſelves from their allegiance to the Engliſh crown.

But

But the misfortune of the coloniſts at preſent is, that they are taxed by parliament without their conſent: this, while the parliament continues reſolved to tax us, will ever render our caſe, in one reſpect, more deplorable and remedileſs, under the beſt of kings, than that of our anceſtors was, under the worſt. They found relief by the interpoſition of parliament: but by the intervention of that very power, we are taxed, and can appeal for relief from their final deciſion to no power on earth; for there is no power on earth above them.

The original contract between the King and the firſt planters here, was a royal promiſe in behalf of the nation, and which till very lately it was never queſtioned but the King had a power to make; namely, that if the adventurers would, at their own coſt and charge, and at the hazard of their lives and every thing dear to them, purchaſe a new world, ſubdue a wilderneſs, and thereby enlarge the king's dominions, they and their poſterity ſhould enjoy ſuch rights and privileges as in their reſpective charters are expreſſed; which are in general all the rights, liberties and privileges of his Majeſty's natural born ſubjects within the realm. The principal privilege implied, and in ſome of their charters expreſſed, is a freedom from all taxes but ſuch as they ſhall conſent to in perſon, or by repreſentatives of their own free choice and election. The late king James broke the original contract of the ſettlement and government of theſe colonies: but it proved happy for our anceſtors in the end that he had alſo broken the original compact with his three kingdoms. This left them ſome gleam of hope: this very thing, finally, was the cauſe of deliverance to the nation and the colonies, nearly at the ſame time: it was the parliament, the ſupreme legiſlative and conſtitutional check on the ſupreme executive, that in time operated effects worthy of itſelf: the nation and her colonies have ſince been happy, and our princes patriot kings. The law and reaſon teaches that the King can do no wrong; and that neither king nor parliament are otherwiſe inclined than to juſtice, equity and truth: but the law does not preſume that the King may not be deceived, nor that the parliament may not be miſinformed: if therefore any thing is wrong, it muſt be imputed to ſuch cauſes: how far ſuch cauſes have taken place and operated againſt the colonies, is humbly ſubmitted to the reviſion and reconſideration of all.

By the common law, the coloniſts are adjudged to be natural-born ſubjects! So they are declared by royal charter; and they are ſo, by the ſpirit of the law of nature and nations: no juriſt, who has the leaſt regard to his reputation in the republic of letters, will deny that they are entitled to all the eſſential rights, liberties, privileges and immunities of his Majeſty's natural ſubjects, born within the realm. The children of his Majeſty's natural born ſubjects, born paſſing and repaſſing the ſeas, have by ſundry acts of parliament, from Edward the third to this time, been declared natural born ſubjects: and even foreigners, reſiding a certain time in the colonies, are by acts of parliament entitled to all the rights and privileges of natural-born ſubjects. And it is remarkable that the act of 13 Geo. II. chap. 7. preſuppoſes that the coloniſts are natural-born ſubjects; and that they are entitled to all the privileges of ſuch; as appears by the preamble, which we ſhall now recite: "Whereas the increaſe of people is a means of advancing the wealth and ſtrength of any nation or country: and whereas many foreigners and ſtrangers, from the lenity of our government and purity of our religion, the benefit of our laws, the advantages of our trade, and the ſecurity of our property, might be induced to come and ſettle in ſome of his Majeſty's colonies in America, if they were made partakers of the advantages and privileges which natural-born ſubjects of this realm do enjoy:" which plainly ſhows it to be the ſenſe of the nation that the colonies were entitled to, and did actually enjoy the advantages and privileges of natural-born ſubjects. But if it could be admitted as clearly conſiſtent with the conſtitution, for the parliament of Great-Britain to tax the property of the colonies, we preſume, it can be made to appear to be utterly inconſiſtent with the rules of equity that they ſhould, at leaſt at preſent. It muſt be conſidered, that by acts of parliament, the colonies are prohibited from importing commodities of the growth or manufacture of Europe, except from Great-Britain, ſaving a few articles. This gives the advantage to Great-Britain of raiſing the price of her commodities, and is equal to a tax. It is too obvious to be doubted, that by the extraordinary demands, from the colonies, of the manufactures of Britain, occaſioned by this policy, ſhe reaps an advantage of at leaſt twenty per cent. in the price of them, beyond what the colonies might purchaſe them for at foreign markets: the loſs therefore to the coloniſts

coloniſts is equal to the gain which is made in Britain. This in reality is a tax, though not a direct one: and admitting, that they take annually from Great-Britain manufactures to the value of two millions ſterling, as is generally ſuppoſed, they then pay an annual tax of four hundred thouſand pounds, beſides the taxes which are directly paid on thoſe manufactures in England. The ſame reaſoning will hold good with reſpect to the many enumerated articles of their produce, which the colonies are reſtrained by act of parliament from ſending to any foreign port: by this reſtraint, the market is glutted, and conſequently the produce ſold, is cheaper; which is an advantage to Great-Britain, and an equal loſs to, or tax upon the coloniſts. Is it reaſonable, then, that the colonies ſhould be taxed on the Britiſh commodities here? eſpecially when it is conſidered, that the moſt of them ſettled a wilderneſs, and till very lately defended their ſettlements without a farthing's expence to the nation. They bore their full portion of the charges of ſecuring and maintaining his Majeſty's rights in America, in every war from their firſt ſettlement, without any conſideration; for the grants of parliament in the laſt war were compenſations for an overplus of expence on their part: many of them, and this province in particular, have always maintained their own frontiers at their own expence; and have alſo frequently defended his Majeſty's garriſon at Annapolis, when it muſt otherwiſe have been unavoidably loſt. The nation, in the late war, acquired lands equal in value to all the expence ſhe has been at in America, from its ſettlement; while the trade of the colonies has been only "ſecured and reſtricted:" it has not been enlarged, though new avenues of beneficial commerce have been opened to the mother-country. The colonies have reaped no ſhare in the lands which they helped to conquer, while millions of acres of thoſe very lands have been granted, and ſtill are granting to people, who, in all probability, will never ſee, if they ſettle, them.

The appropriation of the monies to ariſe by theſe duties is an objection of great weight. It is in the firſt place, to be applied for the payment of the neceſſary charges of the adminiſtration of juſtice, and the ſupport of civil government in ſuch colonies where it may be judged neceſſary. This houſe apprehend, it would be grievous and of dangerous tendency, if the crown ſhould not only appoint governors

nors over the ſeveral colonies, but allow them ſuch ſtipends as it ſhall judge proper, at the expence of the people, and without their conſent. Such a power under a corrupt adminiſtration, it is to be feared, would introduce an abſolute government in America; at beſt it would leave the people in a ſtate of utter uncertainty of their ſecurity, which is far from being a ſtate of civil liberty. The judges in the ſeveral colonies do not hold their commiſſions during good behaviour; if then they are to have ſalaries independent of the people, how eaſy will it be for a corrupt governor to have a ſet of judges to his mind, to deprive a bench of juſtice of its glory, and the people of their ſecurity. If the judges of England have independent livings, it muſt be remembered, that the tenure of their commiſſion is during good behaviour, which is a ſafeguard to the people: and beſides, they are near the throne, the fountain of right and juſtice: whereas American judges, as well as governors, are at a diſtance from it: moreover, it is worth particular notice, that in all diſputes between power and liberty in America, there is danger that the greateſt credit will always be given to the officers of the crown, who are the men in power. This we have ſometimes found by experience; and it is much to be feared, that the nation will fall into ſome dangerous miſtake, if ſhe has not already, by too great attention to the repreſentations of particular perſons, and a diſregard to others.

But the reſidue of theſe monies is to be applied by parliament, from time to time, for defending, protecting and ſecuring the colonies. If the government at home is apprehenſive that the coloniſts will be backward in defending themſelves and ſecuring his Majeſty's territories in America, it muſt have been egregiouſly miſinformed. We need look back no further than the laſt war for evidence of a contrary diſpoſition: they always diſcovered the moſt chearful compliance with his Majeſty's requiſitions of men and money for this purpoſe. They were then treated as free Britiſh ſubjects, and never failed to grant aid to his Majeſty of their own free accord, to the extent of their ability, and even beyond it; of which, the parliament were then ſo ſenſible, that they made them grants, from year to year, by way of compenſation for extra ſervices. It is not at all to be doubted, but if they are ſtill conſidered upon the footing of ſubjects, they will always diſcover the ſame diſpoſition to exert them-

themſelves for his Majeſty's ſervice and their own defence; which renders a ſtanding army in the colonies a needleſs expence. Or, if it be admitted that there may be ſome neceſſity for them in the conquered province of Canada, where the exerciſe of the Romiſh religion, ſo deſtructive to civil ſociety, is allowed, ſurely there can be no need of them in the bowels of the old colonies, and even in cities where there is not the leaſt danger of a foreign enemy, and where the inhabitants are as ſtrongly attached to his Majeſty's perſon, family and government, as in Great Britain itſelf. There is an Engliſh affection in the coloniſts towards the mother-country, which will for ever keep them connected with her, to every valuable purpoſe, unleſs it ſhall be eraſed by repeated unkind uſage on her part: as Engliſhmen, as well as Britiſh ſubjects, they have an averſion to an unneceſſary ſtanding army, which they look upon as dangerous to their civil liberties; and conſidering the examples of ancient times, it ſeems a little ſurpriſing that a mother ſtate ſhould truſt large bodies of mercenary troops in her colonies, at ſo great a diſtance from her, leſt, in proceſs of time, when the ſpirits of the people ſhall be depreſſed by the military power, another Cæſar ſhould ariſe and uſurp the authority of his maſter.

The act enabling his Majeſty to appoint commiſſioners of the cuſtoms to reſide in America, has alſo been read in the houſe. It declares an attention to facilitate the trade of America, of which we cannot have any great hopes from the tenor of the commiſſion. In general, innovations are dangerous: the unneceſſary increaſe of crown officers is moſt certainly ſo. Theſe gentlemen are authoriſed to appoint as many as they ſhall think proper, without limitation: this will probably be attended with undeſirable effects; an hoſt of penſioners, by the arts they may uſe, may in time become as dangerous to the liberties of the people as an army of ſoldiers; for there is a way of ſubduing a people by art as well as by arms: we are happy and ſafe under his preſent Majeſty's mild and gracious adminiſtration; but the time may come, when the united body of penſioners and ſoldiers may ruin the liberties of America. The trade of the colonies, we apprehend, may be as eaſily carried on, and the acts of trade as duly enforced without this commiſſion; and if ſo, it muſt be a very needleſs expence, at a time when the nation and her colonies are groaning under debts contracted

tracted in the late war, and how far diſtant another may be, God only knows.

There is another act which this houſe apprehends muſt be alarming to all the colonies; which is the act for ſuſpending the legiſlature power of the aſſembly of New-York on a certain condition. A legiſlative body without the free exerciſe of the powers of legiſlation is to us incomprehenſible: there can be no material difference between ſuch a legiſlature and none at all. It cannot be ſaid that the aſſembly of New-York hath the free exerciſe of legiſlative power, while their very exiſtence is ſuſpended upon their acting in conformity to the will of another body. Such a reſtriction throughout the colonies would be a ſhort and eaſy method of annihilating the legiſlative powers in America, and by conſequence, of depriving the people of a fundamental right of the conſtitution, namely, that every man ſhall be preſent in the body which legiſlates from him.

It may not be amiſs to conſider the tendency of a ſuſpenſion of colony legiſlation for non-compliance with acts of parliament requiring a provincial aſſembly to give and grant away their own and their conſtituent's money for the ſupport of a ſtanding army. We cannot but think it hard enough to have our property granted away without our conſent! without being ordered to deal it out ourſelves, as in the caſe of the mutiny act. It muſt be ſufficiently humiliating to part with our property in either of thoſe ways, much more in both; whereby, as loyal ſubjects as any under his Majeſty's government, and as true lovers of their country as any people whatever, are deprived of the honour and merit of voluntarily contributing to the ſervice of both. What is the plain language of ſuch a ſuſpenſion? We can diſcover no more nor leſs in it than this; if the American aſſemblies refuſe to grant as much of their own and their conſtituents money, as ſhall from time to time be enjoined and preſcribed by the parliament, beſides what the parliament directly taxes them, they ſhall no longer have any legiſlative authority; but if they comply with what is preſcribed, they may ſtill be allowed to legiſlate under their charter reſtrictions. Does not political death and annihilation ſtare us in the face as ſtrongly on one ſuppoſition as the other? Equally in caſe of compliance as of non-compliance.

But let us ſuppoſe, for a moment, a ſeries of events taking place, the moſt favourable in the opinion of thoſe who

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are ſo fond of theſe new regulations: that all difficulties and ſcruples of conſcience were removed, and that every repreſentative in America ſhould acknowledge a juſt and equitable right in the commons of Great-Britain to make an unlimited grant of his and his conſtituents property: that they have a clear right to inveſt the crown with all the lands in the colonies, as effectually as if they had been forfeited; would it be poſſible to conciliate their conſtituents to ſuch meaſures? Would not the attempt ſuddenly cut aſunder all confidence and communication between the repreſentative body and the people? What then would be the conſequence? Could any thing be reaſonably expected but diſcontent, deſpair, and rage againſt their repreſentatives, on the ſide of the people, and on the part of government, the rigorous exertion of civil and military power? The confuſion and miſery after ſuch a fatal criſis cannot be conceived, much leſs deſcribed.

The preſent regulations and proceedings, with reſpect to the colonies, we apprehend to be oppoſite to every principle of good and ſound policy. A ſtanding army, in the time of profound peace, is naturally productive of uneaſineſs and diſcontent among the people: and yet the colonies, by the mutiny act, are ordered and directed to provide certain enumerated articles: and the pains and penalties in caſe of non-compliance are evident in the precedent of New-York. It alſo appears that revenue officers are multiplying in the colonies with vaſt powers: the board of commiſſioners lately appointed to reſide here, have ample diſcretionary powers given them to make what appointments they pleaſe, and to pay the appointees what ſums they pleaſe: the eſtabliſhment of a proteſtant epiſcopate in America is alſo very zealouſly contended for: and it is very alarming to a people, whoſe fathers, from the hardſhips they ſuffered under ſuch an eſtabliſhment, were obliged to fly their native country into a wilderneſs, in order peaceably to enjoy their privileges, civil and religious: their being threatened with the loſs of both at once, muſt throw them into a very diſagreeable ſituation. We hope in God ſuch an eſtabliſhment will never take place in America, and we deſire you will ſtrenuouſly oppoſe it. The revenue raiſed in America, for ought we can tell, may be as conſtitutionally applied towards the ſupport of prelacy as of ſoldiers and penſioners: if the property of the ſubject is taken from him without his conſent, it is immaterial, whether it be done by one man or five hundred;

or

or whether it be applied for the ſupport of eccleſiaſtic or military power, or both. It may be well worth the conſideration of the beſt politician in Great-Britain or America, what the natural tendency is of a vigorous purſuit of theſe meaſures. We are not inſenſible that ſome eminent men, on both ſides the water, are leſs friendly to American charters and aſſemblies than could be wiſhed: it ſeems to be growing faſhionable, to treat them in common converſation, as well as in popular publications, with contempt: but if we look back a few reigns, we ſhall find that even the auguſt aſſembly, the parliament, was in every reſpect the object of a courtier's reproach: it was even an aphoriſm with King James I. that the Lords and Commons were two very bad copartners with a monarch; and he and his ſucceſſors broke the copartnerſhip as faſt as poſſible. It is certainly unnatural for a Britiſh politician to expect, that even the ſupreme executive of the nation can long exiſt, after the ſupreme legiſlative ſhall be depreſſed and deſtroyed, which may God forbid. If the ſupreme executive cannot exiſt long in Britain, without the ſupport of the ſupreme legiſlative, it ſhould ſeem very reaſonable, in order to ſupport the ſame ſupreme executive, at the diſtance of a thouſand tranſmarine leagues from the metropolis, there ſhould be, in ſo remote dominions, a free legiſlative, within their charter limitations, as well as an entirely free repreſentative of the ſupreme executive of his Majeſty, in the perſons of governors, judges, juſtices, and other executive officers; otherwiſe ſtrange effects are to be apprehended. For the laws of God and nature are invariable: a politician may apply or miſapply theſe to a multiplicity of purpoſes, good or bad; but theſe laws were never made for politicians to alter. Should the time ever come, when the legiſlative aſſemblies of North-America ſhall be diſſolved and annihilated, no more to exiſt again, a ſtrange political phenomenon will probably appear. All laws both of police and revenue muſt then be made by a legiſlature at ſuch a diſtance, that without immediate inſpiration, the local and other circumſtances of the governed cannot poſſibly be known to thoſe who give and grant to the crown, what part of the property of their fellow-ſubjects they pleaſe. There will then be no aſſemblies to ſupport the execution of ſuch laws: and indeed, while exiſting, by what rule of law or reaſon are the members of the colony-aſſemblies executive officers? They have, as repreſentatives, no commiſſion but from

from their conſtituents: and it muſt be difficult to ſhew, why they are more obliged to execute acts of parliament than ſuch of their conſtituents as hold no commiſſions from the crown. The moſt that can be expected from either, is ſubmiſſion to acts of parliament; or to aid the officers as individuals, or part of the poſſe comitatus if required. It would ſeem ſtrange to call on the repreſentative, in any other way, to execute laws againſt their conſtituents and themſelves, which both have been ſo far from conſenting to, that neither were conſulted in framing them. Yet it was objected by ſome to the American aſſemblies, that they neglected to execute the ſtamp act: and that their reſolves tended to raiſe commotions; which certainly was not the caſe here: for all the diſorders in Boſton, in which any damage was done to property, happened long before the reſolves of the houſe of repreſentatives here were paſſed.

We have reaſon to believe, that the nation has been groſsly miſinformed with reſpect to the temper and behaviour of the coloniſts, and it is to be feared that ſome men will not ceaſe to ſow the ſeeds of jealouſy and diſcord, till they ſhall have done irreparable miſchief. You will do a ſingular ſervice to both countries, if poſſible, in detecting them. In the mean time, we deſire you would make known to his Majeſty's miniſters the ſentiments of this houſe contained in this letter, and implore a favourable conſideration of America. Signed by the Speaker.

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*Agreeable to a Vote of the Houſe of Repreſentatives of Maſſachuſett's-Bay, the following Petition to the King, was ſigned by the Speaker, by their order of the 20th Jan.* 1768.

*An humble Petition to the King's moſt Excellent Majeſty.*

*Moſt Gracious Sovereign,*

YOUR Majeſty's faithful ſubjects, the repreſentatives of your province of the Maſſachuſett's-Bay, with the warmeſt ſentiments of loyalty, duty, and affection, beg leave to approach the throne, and to lay at your Majeſty's feet their humble ſupplications, in behalf of your diſtreſſed ſubjects the people of the province.

Our anceſtors, the firſt ſettlers of this country, having with the royal conſent, which we humbly apprehend involves the conſent of the nation, and at their own great expence, migrated from their mother-kingdom, took poſſeſſion of this land,

land, at that time a wilderneſs, the right whereof they had purchaſed for a valuable conſideration of the council eſtabliſhed at Plymouth, to whom it had been granted by your Majeſty's royal predeceſſor King James the firſt.

From the principles of loyalty to their ſovereign which will ever warm the breaſt of a true ſubject, though remote, they acknowledged their allegiance to the Engliſh crown: and your Majeſty will allow us with all humility to ſay, that they and their poſterity, even to this time, have afforded frequent and ſignal proofs of their zeal for the honour and ſervice of their prince, and their firm attachment to the parent country.

With toil and fatigue, perhaps not to be conceived by their brethern and fellow-ſubjects at home, and with the conſtant peril of their lives, from a numerous, ſavage, and warlike race of men, they began their ſettlement, and God proſpered them.

They obtained a charter from King Charles the firſt; wherein his Majeſty was pleaſed to grant to them and their heirs and aſſigns for ever, all the lands therein deſcribed, to hold of him and his royal ſucceſſors in free and common ſoccage; which we humbly conceive is as abſolute an eſtate as the ſubject can hold under the crown. And in the ſame charter were granted to them, and their poſterity, all the rights, liberties, privileges, and immunities of natural ſubjects, born within the realm.

This charter they enjoyed, having, as we humbly conceive, punctually complied with all the conditions of it, till in an unhappy time it was vacated.—But after the revolution, when King William and Queen Mary, of glorious and bleſſed memory, were eſtabliſhed on the throne: in that happy reign, when to the joy of the nation and its dependencies, the crown was ſettled in your Majeſty's illuſtrious family, the inhabitants of this province ſhared in the common bleſſing. Then they were indulged with another charter; in which their Majeſties were pleaſed for themſelves, their heirs and ſucceſſors, to grant and confirm to them as ample eſtate in the lands or territories as was granted by the former charter, together with other the moſt eſſential rights and liberties contained therein: the principal of which, is that which your Majeſty's ſubjects within the realm have ever held a moſt ſacred right, of being taxed only by repreſentatives of their own free election.

Thus

Thus bleſſed with the rights of Engliſhmen, through the indulgent ſmiles of Heaven, and under the auſpicious government of your Majeſty and your royal predeceſſors, your people of this province have been happy, and your Majeſty has acquired a numerous increaſe of loyal ſubjects, a large extent of dominion, and a new and inexhauſtible ſource of commerce, wealth and glory.

With great ſincery permit us to aſſure your Majeſty, that your ſubjects of this province, ever have, and ſtill continue to acknowledge your Majeſty's high court of parliament the ſupreme legiſlative power of the whole empire. The ſuperintending authority of which is clearly admitted in all caſes, that can conſiſt with the fundamental rights of nature and the conſtitution, to which your Majeſty's happy ſubjects in all parts of your empire conceive they have a juſt and equitable claim.

It is with the deepeſt concern that your humble ſuppliants would repreſent to your Majeſty, that your parliament, the rectitude of whoſe intentions is never to be queſtioned, has thought proper to paſs divers acts impoſing taxes on your Majeſty's ſubjects in America, with the ſole and expreſs purpoſe of raiſing a revenue. If your Majeſty's ſubjects here ſhall be deprived of the honour and privilege of voluntarily contributing their aid to your Majeſty, in ſupporting your government and authority in the province, and defending and ſecuring your rights and territories in America, which they have always hitherto done with the utmoſt cheerfulneſs: if theſe acts of parliament ſhall remain in force, and your Majeſty's commons in Great-Britain ſhall continue to exerciſe the power of granting the property of their fellow ſubjects in this province, your people muſt then regret their unhappy fate in having only the name left of free ſubjects.

With all humility we conceive that a repreſentation of your Majeſty's ſubjects of this province in the parliament, conſidering their local circumſtances, is utterly impracticable: your Majeſty has heretofore been graciouſly pleaſed to order your requiſitions to be laid before the repreſentatives of your people in the general aſſembly, who have never failed to afford the neceſſary aid to the extent of their ability, and ſometimes beyond it; and it would be ever grievous to your Majeſty's faithful ſubjects to be called upon in a way, that ſhould appear to them to imply a diſtruſt of their moſt ready and willing compliance.

Under the moſt ſenſible impreſſions of your Majeſty's wiſe and paternal care for the remoteſt of your faithful ſubjects, and in full dependance on the royal declarations in the charter of this province, we moſt humbly beſeech your Majeſty to take our preſent unhappy circumſtances under your royal conſideration, and afford us relief in ſuch manner as in your Majeſty's great wiſdom and clemency ſhall ſeem meet.

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*A letter to the Right Hon. the Earl of Shelburne, one of his Majeſty's principal Secretaries of State.*

*Province of the Maſſachuſett's-Bay, Jan.* 15, 1768.

*My Lord,*

THE Houſe of Repreſentatives of this his Majeſty's province, having had experience of your Lordſhip's generous ſentiments of his Majeſty's moſt loyal though remote ſubjects in America, and of your noble exertions in their behalf in the late time of their diſtreſs, beg leave to lay before your Lordſhip's view, the new ſcenes of difficulty, which are again opened upon us, and to implore your repeated interpoſition.

Your Lordſhip is not inſenſible, that our forefathers were in an unhappy reign driven into this wilderneſs by the hand of power; at their own expence they croſſed an ocean of three thouſand miles; and purchaſed an inheritance for themſelves and their poſterity, with the view of propagating the chriſtian religion, and enlarging the Engliſh dominion in this diſtant part of the earth. Through the indulgent ſmiles of Heaven upon them, though not without hardſhip and fatigue unexperienced and perhaps hardly to be conceived by their brethren and fellow ſubjects in their native land; and with the conſtant peril of their lives from a numerous race of men, as barbarous and cruel, and yet as warlike as any people upon the face of the earth, they increaſed in their numbers and enlarged their ſettlement——They obtained a charter from King Charles the firſt, wherein his Majeſty was pleaſed to recognize to them, a liberty to worſhip God according to the dictates of their conſcience; a bleſſing which in thoſe unhappy times was denied to them in their own country: and the rights, liberties, privileges, and immunities of his natural born ſubjects within the realm. This charter they enjoyed, having punctually fulfilled the conditions

tions of it, till it was vacated, as we conceive arbitrarily, in the reign of King Charles the ſecond. After the revolution, that grand æra of Britiſh liberty, when King William and Queen Mary, of glorious and bleſſed memory, were eſtabliſhed on the throne, the inhabitants of this province obtained another charter; in which the moſt eſſential rights and privileges contained in the former were reſtored to them. Thus bleſſed with the liberties of Engliſhmen, they continued to increaſe and multiply, till, as your Lordſhip knows, a dreary wilderneſs is become a fruitful field, and a grand ſource of national wealth and glory.

By the common law, my Lord, as well as ſundry acts of parliament from the reign of Edward the third, the children of his Majeſty's natural born ſubjects, born paſſing and repaſſing the ſeas, are intitled to all the rights and privileges of his natural ſubjects born within the realm. From hence the concluſion appears to be indiſputable, that the deſcendants of his Majeſty's ſubjects in the realm, who migrated with the conſent of the nation, and purchaſed a ſettlement with their own treaſure and blood, without any aid from the nation; who early acknowledged their allegiance to the Crown of England; and have always approved themſelves faithful ſubjects, and in many inſtances given ſignal proofs of their loyalty to their King, and their firm attachment and affection to their mother country:—The concluſion is ſtrong, that excluſive of any conſideration of their charter, they are intitled to the rights and privileges of the Britiſh conſtitution in common with their fellow ſubjects in Britain. And it is very remarkably the ſenſe of the Britiſh nation that they are ſo; as appears by an Act of Parliament made in the 13th of his late Majeſty King George the ſecond. The preamble of that act plainly preſuppoſes it; and the purview of the ſame act enables and directs the ſuperior court of judicature of this province, a court erected by the authority of the general court, to naturalize foreigners under certain conditions; which it is preſumed the wiſdom of the Parliament would not have empowered any people to do, who were not *themſelves* deemed natural born ſubjects.

The ſpirit of the law of nature and nations ſuppoſes that all the free ſubjects of any kingdom, are entitled equally to all the rights of the conſtitution; for it appears unnatural and unreaſonable to affirm, that local or any other circumſtances can juſtly deprive any part of the ſubjects of the

ſame Prince, of the full enjoyments of the rights of that conſtitution, upon which the government itſelf is formed, and by which ſovereignty and allegiance are aſcertained and limited. But your Lordſhip is ſo thoroughly acquainted with the extent of the rights of men and ſubjects, as to render it altogether improper to take up any more of your time on this head.

There are, my Lord, fundamental rules of the conſtitution, which it is humbly preſumed, neither the ſupreme legiſlative nor the ſupreme executive can alter. In all free ſtates the conſtitution is fixed: it is from thence the legiſlative derives its authority; therefore it cannot change the conſtitution without deſtroying its own foundation. If then the conſtitution of Great-Britain is the common right of all Britiſh ſubjects, it is humbly referred to your Lordſhip's judgment, whether the ſupreme legiſlative of the empire may rightly leap the bounds of it in the exerciſe of power over the ſubjects in America, any more than thoſe in Britain.

When mention is made of the rights of American ſubjects and the intereſt they have in the Britiſh conſtitution in common with all other Britiſh ſubjects, your Lordſhip is too candid and juſt in your ſentiments to ſuppoſe that the Houſe have the moſt diſtant thought of an independency on Great-Britain.—They are not inſenſible of their ſecurity and happineſs in their connexion with and on the mother-ſtate. Theſe, my Lord, are the ſentiments of the Houſe and of their conſtituents; and they have reaſon to believe they are the ſentiments of the colonies: thoſe who are induſtriouſly propagating in the nation a different opinion of the coloniſts, are not only doing the greateſt injuſtice to them, but an irreparable injury to the nation itſelf.

It is the glory of the Britiſh conſtitution that it has its foundation in the law of God and nature: it is eſſentially a natural right that a man ſhall quietly enjoy, and have the ſole diſpoſal of his own property: this right is ingrafted into the Britiſh conſtitution and is familiar to the American ſubjects: and your Lordſhip will judge whether any neceſſity can render it juſt and equitable in the nature of things, that the ſupreme legiſlature of the empire, ſhould impoſe duties, ſubſidies, talliages and taxes, internal or external, for the ſole purpoſe of raiſing a revenue, upon ſubjects that are not, and cannot, conſidering their local circumſtances, by any

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poſſibility be equally repreſented, and conſequently, whoſe conſent cannot be had in Parliament.

The ſecurity of right and property is the great end of government. Surely then ſuch meaſures as tend to render right and property precarious, tend to deſtroy both property and government, for theſe muſt ſtand or fall together.—Property is admitted to have an exiſtence in the ſavage ſtate of nature: and if it is neceſſary for the ſupport of ſavage life, it by no means becomes leſs ſo in civil ſociety. The Houſe intreats your Lordſhip to conſider, whether a coloniſt can be conceived to have any property which he may call his own, if it may be granted away by any other body without his conſent: and they ſubmit to your Lordſhip's judgment whether this was not actually done, when the act for granting to his Majeſty certain duties on paper, glaſs, and other articles, for the ſole and expreſs purpoſe of raiſing a revenue in America, was made. It is the judgment of Lord Coke that the Parliament of Great-Britain cannot tax Ireland "*quia milites ad Parliamentum non mittant.*" And Sir William Jones, an eminent juriſt, declared it as his opinion, to King Charles the Second, that he could no more grant a commiſſion to levy money on his ſubjects in Jamaica, without their conſent by an aſſembly, than they could diſcharge themſelves from their allegiance to the crown.

Your Lordſhip will be pleaſed to conſider that Ireland and Jamaica were both conquered; which cannot be ſaid of any of the colonies, Canada excepted; the argument therefore is ſtronger in favour of the colonies.

Our anceſtors, when oppreſſed in the unfortunate reign of James the Second, found relief by the interpoſition of the Parliament: but it is the misfortune of the colonies at preſent, that by the intervention of that power they are taxed; and they can appeal for relief from their final deciſion to no power on earth, for there is no power on earth above them.—Your Lordſhip will indulge the Houſe in expreſſing a deep concern upon this occaſion; for it is the language of reaſon, and it is the opinion of the greateſt writers on the law of nature and nations, that if the Parliament ſhould make any conſiderable change in the conſtitution, and the nation ſhould be voluntarily ſilent upon it, this would be conſidered as an approbation of the act.

But the Houſe beg leave to repreſent to your Lordſhip, that although the right of the Parliament to impoſe taxes

on the colonies without a repreſentation there were indiſputable, we humbly conceive it may be made fully to appear to be unequal that they ſhould, at leaſt at preſent. Your Lordſhip will be pleaſed to remember that by act of Parliament, the coloniſts are prohibited from importing commodities and manufactures of the growth of Europe, ſaving a few articles, except from Great-Britain. This prohibition not only occaſions a much greater demand upon the mother-country for her manufactures, but gives the manufacturers there the advantage of their own price; and can it be queſtioned, my Lord, but the coloniſts are obliged by means of this policy, to purchaſe the Britiſh manufactures at a much dearer rate, than the like manufactures would be purchaſed at, if they are allowed to go to foreign markets. It is a loſs to the coloniſts and an equal gain to Great-Britain. The ſame reaſoning holds good with reſpect to the many articles of their produce, which the colonies are reſtrained by act of Parliament from ſending to foreign ports.—This is in reality a tax though an indirect one on the colonies, beſides the duties of exciſe and cuſtoms, laid on the manufactures in Great-Britain. A celebrated Britiſh writer on trade, computes the artificial value ariſing from theſe duties, to be not leſs than fifty per cent. Your Lordſhip will then form an eſtimate of the part that is paid by the colonies upon the importation into America, which is generally ſaid to be at leaſt the value of two millions ſterling.

The Houſe is not at this time complaining of this policy of the mother ſtate; but beg your Lordſhip's impartial and candid conſideration, whether it is not grievous to the colonies to be additionally taxed upon the commodities of Great-Britain here—and to be ſolely charged with the defending and ſecuring his Majeſty's colonies, after they have cheerfully borne their full proportion of maintaining his Majeſty's rights in this part of his dominions, and reducing his enemies to terms of peace.

Your Lordſhip will allow the Houſe to expreſs their fears that the colonies have been miſrepreſented to his Majeſty's miniſters and the Parliament, as having an undutiful diſpoſition towards his Majeſty, and a diſaffection to the mother-kingdom. It has till a few years paſt been the uſage for his Majeſty's requiſitions to be laid before the repreſentatives of his people in America. And we may venture to appeal to your Lordſhip, that the people of this province have been

ready

ready to afford their utmoſt aid for his Majeſty's ſervice. It would be grievous to his moſt faithful ſubjects, to be called upon for aid in a manner which implies a miſtruſt of a free and cheerful compliance: and the Houſe intreats your Lordſhip's conſideration, whether our enemies at leaſt, would not infer a want of duty and loyalty in us, when the Parliament have judged it neceſſary to compel us by laws for that purpoſe; as by the late acts for raiſing a revenue in America, and the act for preventing mutiny and deſertion; in the latter of which the governor and council are directed to ſupply the King's troops with enumerated articles, and the people are required to pay the expence. But beſides, your Lordſhip will judge whether the execution of this act can comport with the exiſtence of a free legiſlature in America.

It is unnatural to expect, that the ſupreme executive power can long exiſt, if the ſupreme legiſlative ſhould be diſtreſſed and deſtroyed. In order, therefore, to ſupport the ſupreme executive of his Majeſty, at ſo great a diſtance, in the perſon of his governor, judges, and other executive officers, it ſeems neceſſary that there ſhould be a legiſlative in America as perfectly free, as can conſiſt with a ſubordination to the ſupreme legiſlative of the whole empire.

Such a legiſlature is conſtituted by the royal charter of this province: in this charter, my Lord, the King, for himſelf, his heirs and ſucceſſors, grants to the general aſſembly, full power and authority to impoſe and levy proportionable and reaſonable aſſeſſments, rates and taxes upon the eſtates and perſons of the inhabitants, to be iſſued and diſpoſed of, by warrant under the hand of the governor, with the advice and conſent of the council, for the ſervice of his Majeſty, in the neceſſary defence and ſupport of his government of the province, and the protection and preſervation of the inhabitants, according to ſuch acts, as are or ſhall be in force in the province. And the Houſe are humbly of opinion, that the legiſlative powers in the ſeveral colonies in America were originally erected upon a conviction, that the ſubjects there, could not be repreſented in the ſupreme legiſlature, and conſequently that there was a neceſſity that ſuch powers ſhould be erected.

It is by no means, my Lord, a diſpoſition in the Houſe to diſpute the juſt authority of the ſupreme legiſlature of the nation, that induces them thus to addreſs your Lordſhip; but a warm ſenſe of loyalty to their prince, and, they hum-

bly apprehend, a juſt concern for their natural and conſtitutional rights. They beg your Lordſhip would excuſe their treſpaſſing upon your time and attention to the great affairs of the ſtate; they apply to you as a friend to the rights of mankind and of Britiſh ſubjects. As Americans they implore your Lordſhip's patronage, and beſeech you to repreſent their grievances to the King our ſovereign, and employ your happy influence for their relief.

Signed by the Speaker.

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*A Letter to the Right Hon. Henry Seymour Conway, Eſq; one of his Majeſty's principal Secretaries of State.*

*Province of the Maſſachuſett's-Bay, February* 13, 1768.

SIR,

The Houſe of repreſentatives of this his Majeſty's province have ſtill the ſenſible impreſſions of gratitude upon their minds, for the ſignal and ſucceſsful exertions you were pleaſed to make for them when the liberties of the colonies were in danger. And although they do not fall immediately under your care in that department, to which his Majeſty has been graciouſly pleaſed to appoint you; yet your known attachment to the rights of ſubjects, in their juſt extent, the conſtitutional authority of the ſupreme legiſlature and the prerogative of the ſovereign, is a ſtrong inducement to the Houſe, when new grievances happen, to implore your repeated aid. Conſcious of their own diſpoſition, they rely upon that candour which is a diſtinguiſhed mark of your character. And however they may have been repreſented to his Majeſty's miniſters as undutiful, turbulent and factious, your ſentiments are too generous, to impute the expreſſions of uneaſineſs under the operation of any particular acts of the Britiſh parliament to a peeviſh or diſcontented habit, much leſs to the want of a due veneration for that auguſt aſſembly.

This Houſe is at all times ready to recognize his Majeſty's high court of parliament, the ſupreme legiſlative power over the whole empire; its ſuperintending authority, in all caſes conſiſtent with the fundamental rules of the conſtitution, is as clearly admitted by his Majeſty's ſubjects in this province as by thoſe within the realm: ſince the conſtitution of the ſtate, as it ought to be, is fixed; it is humbly preſumed,

that

that the ſubjects, in every part of the empire, however remote, have an equitable claim to all the advantages of it.

It is the glory of the Britiſh Prince, and the happineſs of all his ſubjects, that their conſtitution hath its foundation in the immutable laws of nature: and as the ſupreme legiſlative as well as the ſupreme executive derives its authority from that conſtitution, it ſhould ſeem that no laws can be made or executed, that are repugnant to any eſſential law in nature. Hence a Britiſh ſubject is happily diſtinguiſhed from the ſubjects of many other ſtates, in a juſt and well grounded opinion of his own ſafety, which is the perfection of political liberty.

It is acknowledged to be an unalterable law in nature, that a man ſhould have the free uſe and ſole diſpoſal of the fruit of his honeſt induſtry, ſubject to no controul. The equity of this principle ſeems to have been too obvious to be miſunderſtood by thoſe who framed the conſtitution; into which it is ingrafted as an eſtabliſhed law. It is conceived that this principle gave riſe in early time to a repreſentation in parliament; where every individual in the realm has ſince been, and is ſtill conſidered by acts of parliament as preſent by himſelf, or by his repreſentative of his own free election: conſequently, the aid afforded there to the ſovereign is not of the nature of a tribute, but the free and voluntary gift of all.

The Houſe ſubmit to your conſideration, whether his Majeſty's ſubjects of this province, or any of them, can be conſidered as having been preſent in parliament, when an act of the fourth of his preſent Majeſty's reign, and another paſſed the laſt ſeſſion, were made. If not, it ſeems to be concluſive, that, as thoſe acts were made with the ſole and expreſs purpoſe of raiſing a revenue out of America, the ſubjects here are in thoſe inſtances unfortunately deprived of the ſole diſpoſal of their property, and the honour and privilege of contributing to the aid of their ſovereign by a free and voluntary gift.

The people of this province would by no means be inclined to petition the parliament for a repreſentation. Separated from the mother-country by a mighty ocean, and at the diſtance of three thouſand miles, they apprehend it is, and ever will be, utterly impracticable that they ſhould be equally repreſented there: they have always been conſidered by the nation as ſubjects remote: and his Majeſty's royal predeceſſors

ceſſors were graciouſly pleaſed to conſtitute by charter a ſubordinate legiſlature in the province, as it is conceived, with a view of preſerving to their remote ſubjects the unalienable right of a repreſentation. By this charter the lands therein deſcribed are granted to the inhabitants in free and common ſoccage; and the general aſſembly is inveſted with the power of impoſing and levying proportionable and reaſonable aſſeſſments, rates and taxes, upon the eſtates and perſons of the inhabitants, for his Majeſty's ſervice, in the neceſſary defence and ſupport of his government of the province, and the protection and preſervation of the inhabitants; and of ordaining and eſtabliſhing all manner of wholeſome and reaſonable orders, laws, ſtatutes and ordinances, directions and inſtructions, either with or without penalties, as they ſhall judge to be for the good and welfare of the province: and as a ſufficient check upon this ſubordinate power, which ſecures its dependance on the ſupreme legiſlative, no law can be made repugnant to the laws of England; and all laws that are made, are laid before his Majeſty, who at any time during three years after, diſannulls them at his royal pleaſure.

All that is deſired by the people of this province, is, that they may be reſtored to their original ſtanding: that they may venture to appeal to the nation, that they have never failed to afford their utmoſt aid to his Majeſty whenever he hath required it; and they may ſay it without vanity, that in many inſtances from their ſettlement, they have given ſtriking proofs of their zeal for the honour of their ſovereign, and their affection for the mother-ſtate. Muſt it not then be grievous to free and loyal ſubjects, to be called upon in a manner which appears to them, to diveſt them of their freedom, and ſo far to impeach their loyalty as to imply a miſtruſt of their cheerful compliance with his Majeſty's royal requiſitions.

The Houſe alſo beg leave to ſubmit, whether the people can continue free, while the crown in addition to its uncontroverted right of appointing a governor, may appoint him ſuch ſtipends as it ſhall judge fit, at the expence of the people, and without their conſent: and whether, while the judges of the land, at ſo great a diſtance from the throne, the fountain of juſtice, may be altogether independent on the people for their ſupport, it may not probably happen, that in ſome future time, the principles of equity may be

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ſubverted even on the bench of juſtice, and the people deprived of their happineſs and ſecurity.

The Houſe could add, that by reſtraints laid upon the American trade by acts of parliament, which operate equally to the advantage of Great-Britain and the diſadvantage of this and the other colonies, and the taxes which the inhabitants here eventually pay as the conſumers of the Britiſh manufactures, it ſhould ſeem to be beyond all the rules of equity, that theſe additional burdens ſhould be laid on them. But they would not treſpaſs upon your time and attention to the great affairs of the nation. They beg your candid conſideration of the unhappy circumſtances of the province, and, hope, that your great intereſt in the national councils, ſo far as ſhall appear to you to be juſt, will be employed on their behalf.

Signed by the Speaker.

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*A Letter to the Right Hon. the Marquis of Rockingham.*

*Province of the Maſſachuſett's-Bay, Jan.* 22, 1768.

*My Lord,*

THE Houſe of repreſentatives of this his Majeſty's province have had the honour of your letter of the 7th of May laſt, communicated to them by their ſpeaker, and thank your Lordſhip for your condeſcenſion, in the kind ſentiments you are pleaſed to expreſs of his Majeſty's good ſubjects of America and of this province. The eſtabliſhing the harmony between Great-Britain and her colonies, is a ſubject which your Lordſhip has judged worthy of your particular attention: and the exertions which you have made for this very important purpoſe, claim the moſt grateful acknowledgements of the Houſe. Your ſentiments are ſo nobly extended beyond the moſt diſtant partial conſiderations, as muſt diſtinguiſh you as a patron of the colonies, a friend to the Britiſh conſtitution, and the rights of mankind.

Your Lordſhip is pleaſed to ſay, that you will not adopt a ſyſtem of arbitrary rule over the colonies; nor do otherwiſe, than ſtrenuouſly reſiſt where attempts ſhall be made to throw off that dependency to which the colonies ought to ſubmit. And your Lordſhip with great impartiality adds "not only for the advantage of Great-Britain, but for their "own real happineſs and ſafety."

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This Houſe, my Lord, have the honour heartily to join with you in ſentiment; and they ſpeak the language of their conſtituents. So ſenſible are they of their happineſs and ſafety, in their union with and dependance upon the mother country, that they could by no means be inclined to accept of an independency if offered to them. But, my Lord, they intreat your conſideration, whether the colonies have not reaſon to fear ſome danger of arbitrary rule over them, when the ſupreme power of the nation, have thought proper to impoſe taxes on his Majeſty's American ſubjects, with the ſole and expreſs purpoſe of raiſing a revenue, and without their conſent.

My Lord, the ſuperintending power of that high court over all his Majeſty's ſubjects in the empire, and in all caſes which can conſiſt with the fundamental rules of the conſtitution, was never queſtioned in this province, nor, as the Houſe conceive, in any other. But in all free ſtates the conſtitution is fixed: it is from thence that the ſupreme legiſlative as well as the ſupreme executive derives its authority: neither, then, can break through the fundamental rules of the conſtitution, without deſtroying their own foundation.

It is humbly conceived, that all his Majeſty's happy ſubjects, in every part of his wide extended dominions, have a juſt and equitable claim to the rights of that conſtitution, upon which government itſelf is formed, and by which ſovereignty and allegiance is aſcertained and limited. Your Lordſhip will allow us to ſay, that it is an eſſential right of a Britiſh ſubject, ingrafted into the conſtitution, or if your Lordſhip will admit the expreſſion, a ſacred and unalienable natural right, quietly to enjoy and have the ſole diſpoſal of his own property. In conformity to this, the acts of the Britiſh Parliament declare, that every individual in the realm, is preſent in his Majeſty's high court of Parliament, by himſelf or his repreſentative of his own free election. But, my Lord, it is apprehended, that a juſt and equal repreſentation of the ſubjects, at the diſtance of a thouſand tranſmarine leagues from the metropolis is utterly impracticable. Upon this opinion, this Houſe humbly conceive, his Majeſty's royal predeceſſors, thought it equitable to form ſubordinate legiſlative powers in America, as perfectly free as the nature of things would admit, that ſo, their remote ſubjects might enjoy a right, which thoſe within the realm have ever held

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ſacred, of being taxed only by repreſentatives of their own free election,

The Houſe beg leave to obſerve to your Lordſhip, that the monies that ſhall ariſe by the act for granting to his Majeſty certain duties on paper, glaſs, and other articles, paſſed in the laſt ſeſſion of Parliament, are to be applied, in the firſt place, for the payment of the neceſſary charges of the adminiſtration of juſtice, and the ſupport of civil government, in ſuch colonies where it ſhall be judged neceſſary; and the reſidue for defending, protecting and ſecuring the colonies. They intreat your Lordſhip's conſideration, what may be the conſequence, in ſome future time, if the crown, in addition to its right of appointing governors over the colonies, which the Houſe cheerfully recognize, ſhould appoint them ſuch ſtipends, as it ſhall judge fit, without the conſent of the people, and at their expence. And as the judges of the land here do not hold their commiſſions during good behaviour, your Lordſhip will judge, whether it may not hereafter happen, that at ſo great a diſtance from the throne, the fountain of juſtice, for want of an adequate check, corrupt and arbitrary rule may take place, even within the colonies, which may deprive a bench of juſtice of its glory, and the people of their happineſs and ſafety.

Your Lordſhip's juſtice and candor will induce you to believe, that what our enemies may have taken occaſion to repreſent to his Majeſty's miniſters and the Parliament, as an undutiful diſpoſition in the colonies, is nothing more than a juſt and firm attachment to their natural and conſtitutional rights. It is humbly ſubmitted to your Lordſhip whether theſe ideas are well founded. And while this province and the colonies ſhall continue in your Lordſhip's judgment to be faithful and loyal ſubjects to his Majeſty, they rely upon it, that your happy influence will ever be employed, to promote the ſentiments of tenderneſs as well as juſtice in the parent country. Signed by the Speaker.

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*A Letter to the Right Hon. Lord Camden, Lord High Chancellor of Great Britain.*

*Province of the Maſſachuſett's-Bay, Jan.* 29, 1768.

*My Lord,*

YOUR great knowledge of the conſtitution and laws of the nation, of the juſt extent of parliamentary authority, and

their own as inſeparably interwoven, and it is their fervent wiſh that it may ever ſo remain: all they deſire is, to be reſtored to the ſtanding upon which they were originally put; to have the honour and privilege of voluntarily contributing to the aid of their ſovereign, when required: they are free ſubjects; and it is hoped the nation will never conſider them as in a tributary ſtate.

It is humbly ſubmitted to your Lordſhip, whether ſubjects can be ſaid to enjoy any degree of freedom, if the crown in addition to its undoubted authority of conſtituting governors, ſhould be authorized to appoint ſuch ſtipends for them, as it ſhall judge proper, at their expence, and without their conſent. This is the unhappy ſtate to which his Majeſty's ſubjects in the colonies are reduced, by the act for granting certain duties on paper, and other articles. A power without a check is always unſafe; and in ſome future time may introduce an abſolute government into America. The judges of the land here do not hold their commiſſions during good behaviour: is it not then juſtly to be apprehended, that at ſo great a diſtance from the throne, the fountain of national juſtice, with ſalaries altogether independent of the people, an arbitrary rule may take effect, which ſhall deprive a bench of juſtice of its glory, and the people of their ſecurity.

When a queſtion ariſes on the public adminiſtration, the nation will judge and determine in conformity to its political conſtitution: the great end of the Britiſh conſtitution is univerſal liberty; and this Houſe reſts aſſured, that your Lordſhip's great intereſt in the national councils will always be engaged on the ſide of liberty and truth.

Signed by the Speaker.

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*A Letter to the Right Honourable the Earl of Chatham.*

*Province of the Maſſachuſett's-Bay, Feb.* 2, 1768.

*My Lord,*

THE particular attention you were pleaſed to give to the intereſt of the American ſubjects when their rights were in danger, and your noble and ſucceſsful efforts in ſupport of them, have left in the breaſts of all, the indelible marks of gratitude. The Houſe of Repreſentatives of this his Majeſty's province, having reaſon to be aſſured, that in every inſtance of your public conduct, you are influenced by the principles of virtue and a diſintereſted public affection, beg leave

leave to manifeſt to your Lordſhip, a teſtimony of their full confidence in you, by imploring your repeated aid and patronage at this time when the cloud again gathers thick over them.

It muſt afford the utmoſt ſatisfaction to the diſtreſſed coloniſts, to find your Lordſhip ſo explicitely declaring your ſentiments in that grand principle in nature, "that what a man hath honeſtly acquired is abſolutely and uncontroulably his own." This principal is eſtabliſhed as a fundamental rule in the Britiſh conſtitution, which eminently hath its foundation in the laws of nature; and conſequently it is the indiſputable right of all men, more eſpecially of a Britiſh ſubject, to be preſent in perſon, or by repreſentation, in the body where he is taxed.

But however fixed your Lordſhip and ſome others may be in this cardinal point, it is truly mortifying to many of his Majeſty's free and loyal ſubjects, that even in the Britiſh parliament, that ſanctuary of liberty and juſtice, a different ſentiment ſeems of late to have prevailed.

Unwilling to intrude upon your attention to the great affairs of ſtate, the Houſe would only refer your Lordſhip to an act paſſed in the fourth year of the preſent reign, and another in the laſt ſeſſion of parliament; both impoſing duties on the Americans, who were not repreſented, with the ſole and expreſs purpoſe of raiſing a revenue. What, my Lord, have the coloniſts done to forfeit the character and privilege of ſubjects, and to be reduced in effect to a tributary ſtate? This Houſe may appeal to the nation, that the utmoſt aid of the people has been cheerfully given when his Majeſty required it: often, on their own motion, and when almoſt ready to ſuccumb under the expence of defending their own borders, their zeal has carried them abroad for the honour of their ſovereign, and the defence of his rights: of this, my Lord, not to mention any more, the reduction of Louiſburgh in the year 1745, and the defence of his Majeſty's garriſon at Annapolis, and of all Nova Scotia, will be ſtanding monuments. Can there then be a neceſſity for ſo great a change, and in its nature ſo delicate and important, that inſtead of having the honour of his Majeſty's requiſitions laid before their repreſentatives here, as has been invariably the uſage, the parliament ſhould now tax them without their conſent?

The enemies of the coloniſts, for ſuch they unfortunately have, may have repreſented them to his Majeſty's miniſters, and the parliament, as factious, undutiful, diſloyal: they, my Lord, are equally the enemies of Britain: ſuch is your extenſive knowledge of mankind, and the ſentiments and diſpoſition of the colonies in general, that this houſe would freely venture to reſt the character of their conſtituents in your Lordſhip's judgment: ſurely it is no ill diſpoſition in the loyal ſubjects of a patriot king, with a decency and firmneſs adapted to their character, to aſſert their freedom.

The colonies, as this Houſe humbly conceive, cannot be repreſented in the Britiſh parliament: their local circumſtances, at the diſtance of a thouſand leagues beyond the ſeas, forbid, and will for ever render it impracticable: this they apprehend, was the reaſon that his Majeſty's royal predeceſſors ſaw fit to erect ſubordinate legiſlative bodies in America as perfectly free as the nature of things would admit, that their remote ſubjects might enjoy that ineſtimable right, a repreſentation. Such a legiſlative is conſtituted by the royal charter of this province. In this charter, the King, for himſelf, his heirs and ſucceſſors, grants to the inhabitants all the lands and territories therein deſcribed, in free and common ſoccage; as ample eſtate as the ſubjects can hold under the crown; together with all the rights, liberties, privileges, and immunities of his natural ſubjects born within the realm; of which the moſt eſſential is a power inveſted in the general aſſembly to levy proportionable and reaſonable taxes on the eſtates and perſons of the inhabitants, for the ſervice of his Majeſty, and the neceſſary defence and ſupport of his government of the province, and the protection and preſervation of the inhabitants. But though they were originally, and always, ſince their ſettlement, have been conſidered as ſubjects remote, they have ever cheriſhed a warm affection for the mother ſtate, and a regard for the intereſt and happineſs of their fellow ſubjects in Britain. If then the colonies are charged with the moſt diſtant thought of an independency, your Lordſhip may be aſſured, that, with reſpect to the people of this province, and it is preſumed, of all the colonies, the charge is unjuſt.

Nothing would have prevailed upon the Houſe to have given your Lordſhip this trouble, but the neceſſity of a powerful advocate, when their liberty is in danger: ſuch they have more than once found you to be; and as they humbly hope

hope they have never forfeited your patronage, they intreat that your great intereſt in the national councils may ſtill be employed in their behalf, that they may be reſtored to the ſtanding of free ſubjects.

That your Lordſhip may enjoy a firm ſtate of health, and long be continued a great bleſſing to the nation and her colonies, is the ardent wiſh of this Houſe.

Signed by the Speaker.

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*A Letter to the Right Honourable the Lords Commiſſioners of the Treaſury.*

*Province of the Maſſachuſett's-Bay, Feb.* 17, 1768.

*My Lords,*

THE Houſe of Repreſentatives of this his Majeſty's province beg leave to lay before your Lordſhips the great difficulties to which they are reduced, by the operation of divers acts of Parliament, impoſing duties to be levied on the ſubjects of the American colonies, and made with the ſole and expreſs purpoſe of raiſing a revenue: and beg the favour of your candid judgment and great intereſt in the national councils for their redreſs.

As their conſtituents are not in any manner repreſented in the Parliament, they cannot ſo much wonder, that taxes and burdens are laid upon them, which they humbly apprehend could have been made to appear to be beyond all bounds of equity and proportion; and this conſideration they are ſure would have had its due weight in the Britiſh houſe of commons.

By act of Parliament, your Lordſhips are ſenſible, that the colonies are reſtrained from importing commodities, the growth or manufacture of Europe, ſaving a few articles, except from Great-Britain: by this policy, the demand of Britiſh manufactures from the colonies is greatly increaſed; and the manufacturers have the advantage of their own price. Hence it appears, that what is gained by the ſubjects in Great Britain, is a loſs to thoſe in America; for there can be no doubt, as this Houſe conceive, but that if the coloniſts were allowed to purchaſe ſuch commodities at foreign markets, they might have them at a cheaper rate; or, which is the ſame thing to them, the Britiſh manufacturers would be neceſſitated to reduce their price. Thus alſo, with regard to the many articles of their produce, which the colonies

are by act of Parliament reſtrained from ſending to foreign ports: this occaſioned a great many American exports, and oftentimes a glut at the Britiſh markets, which always diminiſhes the price, and makes a loſs to the American, and an equal gain to the ſubject in Britain. This regulation, evidently deſigned in favour of his Majeſty's ſubjects inhabiting in Great Britain, the houſe is not at this time complaining of: but they beg your Lordſhips conſideration, whether, in addition to theſe burdens, it is not grievous to their conſtituents, to be obliged to pay duties on Britiſh manufactures here: eſpecially conſidering, that, as the conſumers of thoſe manufactures, they pay a great proportion of the duties and taxes laid upon them in Britain. It is computed by a late celebrated Britiſh writer, that the artificial value ariſing from theſe duties are not leſs than fifty per cent. Your Lordſhips will then form an eſtimate of the part that is paid annually upon the importation into America, which is generally allowed to be at leaſt two millions ſterling.—So great are the advantages ariſing yearly to Great-Britain from the colonies, moſt of which, it is ſaid, were ſettled, and have been maintained and defended, till within a very few years, ſolely at their own expence: this Houſe can affirm for one province only.

But the bearing an unequal ſhare of the public burthens, though a real grievance, is of but ſmall conſideration, when compared with another, in the mentioning of which, the Houſe begs your Lordſhips indulgence. The duties levied in America, by virtue of the aforementioned acts, were impoſed with the ſole and expreſs purpoſe of raiſing a revenue; and are to be applied, in the firſt place, for making a more certain and adequate proviſion for the charge of the adminiſtration of juſtice, and the ſupport of civil government, in ſuch colonies where it ſhall be found neceſſary; and the reſidue is from time to time to be diſpoſed of by Parliament, towards defraying the neceſſary expences of defending, protecting, and ſecuring the colonies. It is humbly ſubmitted, whether his Majeſty's commons in Britain have not, by theſe acts, granted the property of their fellow ſubjects in America, without their conſent in Parliament. Your Lordſhips will allow, that it is an unalterable rule in equity, than a man ſhall have the free uſe and the ſole diſpoſal of his property. This original principle, to the laſting honour of our Britiſh anceſtors, was in early time ingrafted into the Britiſh conſtitution,

tution, and is the greateſt ſecurity, as well as the brighteſt ornament of a Britiſh ſubject. It adds to the real grandeur of the Britiſh monarch, whoſe happy ſubjects have an unſhaken opinion of their own ſafety, which is the perfection of political liberty; ſuch a conſtitution ſhall in future ages be admired, when the names of tyrants and their vaſſals ſhall be alike forgot. This conſtitution, my Lords, is fixed: it is from thence that all power in the ſtate derives its authority: therefore, no power can exceed the bounds of it without deſtroying its own foundation. It is conceived, that even the remoteſt and moſt inconſiderable ſubject hath an equitable claim to the benefit of the fundamental rules of the conſtitution; for all Britiſh ſubjects are alike free. The bleſſings of the Britiſh conſtitution will for ever keep the ſubjects in this province united to the mother ſtate, as long as the ſentiments of liberty are preſerved: but what liberty can remain to them, when their property, the fruit of their toil and induſtry, and the prop of all their future hopes in life, may be taken from them at the diſcretion of others? They have never been backward in affording their aid to his Majeſty, to the extent of their ability: they can ſay without vanity, and they may be allowed to boaſt, that from the days of their anceſtors, no ſubjects have given more ſignal proofs of zeal for the ſervice and honour of their ſovereign, and affection for the parent country: It has till of late been the invariable uſage for his Majeſty's requiſitions to be laid before their own repreſentatives; and their aid has not been tributary, but the free and voluntary gift of all: the change is in its nature delicate and important; your Lordſhips will judge whether there be any neceſſity or preſſing reaſons for it: the Houſe are not inſenſible that the colonies have their enemies, who may have repreſented them to his Majeſty's miniſters and the Parliament as ſeditious, diſloyal, and diſpoſed to ſet up an independency on Great-Britain: but they rely upon the candour of your Lordſhips judgment: they can affirm, that with regard to this province, and, they preſume, all the colonies, the charge is injurious and unjuſt; the ſuperintending authority of his Majeſty's high court of Parliament, the ſupreme legiſlature over the whole empire, is as clearly admitted here as in Britain; ſo far as is conſiſtent with the fundamental rules of the conſtitution: and, it is preſumed, it is not further admiſſable there.

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The Houſe are humbly of opinion, that a repreſentation of their conſtituents in that high court, by reaſon of local circumſtances, will for ever be impracticable: and that his Majeſty's royal predeceſſors were graciouſly pleaſed, by charter, to erect a legiſlature in the province, as perfectly free as a ſubordination would admit, that the ſubjects here might enjoy the unalienable right of a repreſentation; and further, that the nation hath ever ſince conſidered them as ſubjects, though remote, and conceded to the acts of the ſubordinate legiſlation. Their charter is a check upon them, and effectually ſecures their dependence on Great-Britain; for no acts can be in force till the King's governor has given his aſſent, and all laws that are made are laid before his Majeſty, who at any time, during three years after they are made, may diſannul them at his royal pleaſure: under this check the Houſe humbly conceive a repreſentation in Parliament cannot be neceſſary for the nation, and for many reaſons it cannot be eligible to them: all they deſire is, to be placed on their original ſtanding, that they may ſtill be happy in the enjoyment of their invaluable privileges, and the nation may ſtill reap the advantage of their growth and proſperity.

The Houſe intreat your Lordſhips patience one moment longer, while they juſt mention the danger they apprehend to their liberties, if the crown, in addition to its uncontroverted right of appointing a governor, ſhould alſo appoint him a ſtipend at the expence of the people, and without their conſent. And alſo, whether as the judges and other civil officers of the province do not hold commiſſions during good behaviour, there is not a probability that arbitrary rule may in ſome time take effect, to the ſubverſion of the principles of equity and juſtice, and the ruin of liberty and virtue.

It is humbly hoped, that your Lordſhips will conceive a favourable opinion of the people of the province; and that you will patronize their liberties, ſo far as in your great wiſdom and candour you ſhall judge to be right.

Signed by the Speaker.

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*The following is a genuine Copy of the circulatory Letter which was ſent from the Houſe of Repreſentatives of the Province of Maſſachuſett's-Bay, to the Speakers of the reſpective Houſes and Burgeſſes on the Continent of North-America.*

*Province*

*Province of the Maſſachuſett's-Bay, Feb.* 11, 1768.

SIR,

The Houſe of Repreſentatives of this province have taken into their ſerious conſideration the great difficulties that muſt accrue to themſelves and their conſtituents, by the operation of the ſeveral Acts of Parliament impoſing duties and taxes on the American colonies.

As it is a ſubject in which every colony is deeply intereſted, they have no reaſon to doubt but your Houſe is duly impreſſed with its importance; and that ſuch conſtitutional meaſures will be come into as are proper. It ſeems to be neceſſary, that all poſſible care ſhould be taken that the repreſentations of the ſeveral aſſemblies, upon ſo delicate a point, ſhould harmonize with each other: the Houſe therefore hope that this letter will be candidly conſidered in no other light than as expreſſing a diſpoſition freely to communicate their mind to a ſiſter colony, upon a common concern, in the ſame manner as they would be glad to receive the ſentiments of your, or any other Houſe of Aſſembly on the continent.

The Houſe have humbly repreſented to the Miniſtry their own ſentiments: that his Majeſty's High Court of Parliament is the ſupreme legiſlative power over the whole empire: that in all free ſtates the conſtitution is fixed: and as the ſupreme legiſlative derives its power and authority from the conſtitution, it cannot overleap the bounds of it, without deſtroying its foundation: that the conſtitution aſcertains and limits both ſovereignty and allegiance: and therefore his Majeſty's American ſubjects who acknowledge themſelves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the Britiſh conſtitution: that it is an eſſential unalterable right in nature, ingrafted into the Britiſh conſtitution as a fundamental law, and ever held ſacred and irrevocable by the ſubjects within the realm, that what a man hath honeſtly acquired is abſolutely his own, which he may freely give, but cannot be taken from him without his conſent: that the American ſubjects may therefore, excluſive of any conſideration of charter rights, with a decent firmneſs adapted to the character of freemen and ſubjects, aſſert this natural conſtitutional right.

It is moreover their humble opinion, which they expreſs with the greateſt deference to the wiſdom of the parliament;

that the acts made there, impoſing duties on the people of this province, with the ſole and expreſs purpoſe of raiſing a revenue, are infringements of their natural and conſtitutional rights; becauſe, as they are not repreſented in the Britiſh parliament, his Majeſty's commons in Britain by thoſe acts grant their property without their conſent.

This Houſe further are of opinion, that their conſtituents, conſidering their local circumſtances, cannot by any poſſibility be repreſented in the Parliament; and that it will for ever be impracticable that they ſhould be equally repreſented there, and conſequently not at all; being ſeparated by an ocean of a thouſand leagues: that his Majeſty's royal predeceſſors, for this reaſon, were graciouſly pleaſed to form a ſubordinate legiſlative here, that their ſubjects might enjoy the unalienable right of a repreſentation. Alſo that conſidering the utter impracticability of their ever being fully and equally repreſented in parliament, and the great expence that muſt unavoidably attend even a partial repreſentation there, this Houſe think, that a taxation of their conſtituents, even without their conſent, grievous as it is, would be preferable to any repreſentation that could be admitted for them there.

Upon theſe principles, and alſo conſidering that were the right in the parliament ever ſo clear, yet for obvious reaſons it would be beyond the rule of equity, that their conſtituents ſhould be taxed on the manufactures of Great-Britain here, in addition to the duties they pay for them in England, and other advantages ariſing to Great-Britain from the acts of trade; this Houſe have preferred a humble, dutiful, and loyal petition to our moſt gracious ſovereign, and made ſuch repreſentation to his Majeſty's miniſters, as they apprehend would tend to obtain redreſs.

They have alſo ſubmitted to conſideration, whether any people can be ſaid to enjoy any degree of freedom, if the crown, in addition to its undoubted authority of conſtituting a governor, ſhould appoint him ſuch a ſtipend as it ſhall judge proper, without the conſent of the people, and at their expence: and whether, while the judges of the land, and other civil officers, hold not their commiſſions during good behaviour, their having ſalaries appointed for them by the crown, independant of the people, hath not a tendency to ſubvert the principles of equity, and endanger the happineſs and ſecurity of the ſubject.

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In addition to theſe meaſures, the Houſe have wrote a letter to their agent, Mr. De Berdt, the ſentiments of which he is directed to lay before the miniſtry; wherein they take notice of the hardſhip of the act for preventing mutiny and deſertion; which requires the governor and council to provide enumerated articles for the King's marching troops, and the people to pay the expence: and alſo the commiſſion of the gentlemen appointed commiſſioners of the cuſtoms to reſide in America, which authorizes them to make as many appointments as they think fit, and to pay the appointees what ſums they pleaſe, for whoſe mal-conduct they are not accountable: from whence it may happen, that officers of the crown may be multiplied to ſuch a degree, as to become dangerous to the liberty of the people, by virtue of a commiſſion which doth not appear to this Houſe to derive any ſuch advantages to trade as many have been led to expect.

Theſe are the ſentiments and proceedings of this houſe: and as they have too much reaſon to believe, that the enemies of the colonies have repreſented them to his Majeſty's miniſters and the parliament as factious, diſloyal, and having a diſpoſition to make themſelves independent of the mother country, they have taken occaſion, in the moſt humble terms, to aſſure his Majeſty and his miniſters, that with regard to the people of this province, and, as they doubt not, of all the colonies, that the charge is unjuſt.

The Houſe is fully ſatisfied, that your aſſembly is too generous and enlarged in ſentiment to believe, that this letter proceeds from an ambition of taking the lead, or dictating to the other aſſemblies: they freely ſubmit their opinion to the judgment of others; and ſhall think it kind in your Houſe to point out to them any thing further that may be thought neceſſary.

This Houſe cannot conclude without expreſſing their firm confidence in the King, our common head, and father, that the united and dutiful ſupplications of his diſtreſſed American ſubjects will meet with his royal and favourable acceptance.

Signed by the Speaker.

*A copy of the above letter was alſo, by order of the Houſe, ſent to Dennis De Berdt, Eſq; agent to the province in London; that he might make uſe of it, if neceſſary, to prevent any miſrepreſentation of it in England.*

*In*

*In the Houſe of Repreſentatives, Feb.* 13, 1768.

Whereas this Houſe hath directed that a letter be ſent to the ſeveral Houſes of Repreſentatives and Burgeſſes of the Britiſh colonies on the continent, ſetting forth the ſentiments of the Houſe, with regard to the great difficulties that muſt accrue by the operation of divers acts of parliament, for levying duties and taxes on the colonies for the ſole and expreſs purpoſe of raiſing a revenue, and their proceedings thereon, in an humble, loyal and dutiful petition to the King, and ſuch repreſentations to his Majeſty's miniſters as they apprehend might have a tendency to their obtaining relief: and whereas it is the opinion of this Houſe, that all effectual methods ſhould be taken to cultivate a harmony between the ſeveral branches of this government, as being neceſſary to promote the proſperity of his Majeſty's government in the province:

Reſolved, That Mr. Otis, Col. Preble, Mr. Spooner, Mr. Sayward, and Mr. Hall, be a committee to wait on his Excellency the Governor, and acquaint him that a copy of the letter aforeſaid will be laid before him as ſoon as it can be drafted, as well as of all the proceedings of the Houſe relative to ſaid affair, if he ſhall deſire it; and that the ſaid committee humbly requeſt that his Excellency would be pleaſed to favour the Houſe with a copy of the letter from the Right Hon. the Earl of Shelburne, lately read to the Houſe by order of his Excellency, and his own ſeveral letters to which it refers.

T. CUSHING, Speaker.

*His Excellency's Anſwer.*

*Gentlemen of the Houſe of Repreſentatives,*

IN anſwer to your meſſage of the 13th inſtant, I find it neceſſary to inform you, that ſoon after the letter of the Earl of Shelburne was read in your Houſe, I ordered a copy of it to be given to the Speaker, to be uſed as he ſhould think fit, upon condition that no other copy ſhould be taken thereof: I am very willing that the copy in the Speaker's hands ſhould be communicated to you in any manner which is conſiſtent with that reſtriction.

I know of no letters of my own which I think can be of any uſe to you upon this occaſion.

I quite

I quite agree with you in opinion that all effectual methods ſhould be taken to cultivate an harmony between the ſeveral branches of the legiſlature of this government, as being neceſſary to promote the proſperity of the province; and I ſhall cheerfully join with you in all proper meaſures for ſo ſalutary a purpoſe.

*Council-Chamber, Feb.* 16, 1768. FRANCIS BERNARD.

*In the Houſe of Repreſentatives, Feb.* 18, 1768.

Ordered, That Mr. Hancock, Major Frye, Colonel Richmond, Colonel Noyes, and Colonel Stoddard, be a committee to wait upon his Excellency the Governor, and preſent to him the following anſwer to his meſſage of the 16th inſtant.

T. CUSHING, Speaker.

*May it pleaſe your Excellency,*

Your meſſage of the 16th inſtant has been read and duly conſidered in the Houſe of Repreſentatives. The manner, in which your Excellency was pleaſed to introduce into this houſe the letter from the Right Hon. the Earl of Shelburne, by giving orders to the Secretary to read it without leaving a copy, appeared to be unprecedented and unparliamentary; but this made but a light impreſſion on the houſe, when the members recollected, as far as they could, the unfavourable ſentiments his lordſhip thought himſelf neceſſitated to entertain of the two houſes of this aſſembly, and of ſome particular members in this houſe, whoſe characters in the opinion of the houſe ſtand unimpeachable. Under this apprehenſion they thought it neceſſary for their vindication humbly to requeſt your Excellency to favour them with a copy of his lordſhip's letter; and as it appeared to them that his lordſhip had formed his ſentiments of the two houſes, and their members, from your own letters to which he referred, the houſe thought they could not do themſelves and their members juſtice, unleſs they could be favoured with a ſight of them alſo, and accordingly requeſted it of your Excellency.

You are pleaſed to ſay that you know of no letters of your "own that you think can be of any uſe to the houſe upon this occaſion."—The houſe did not in their vote or meſſage ſay what occaſion they had to requeſt them. But when his lordſhip expreſsly ſays, that it appears from your ſeveral letters, that your negativing counſellors in the late elections was done with due deliberation and judgment, it is natural for

for the houſe to conclude, that your Excellency had thought it convenient, to give his lordſhip, the particular reaſons you had, for a meaſure ſo rare and extraordinary.—Theſe reaſons ſeem to have prevailed to juſtify your Excellency; for his lordſhip acquaints you, that his Majeſty is graciouſly pleaſed to approve of your having exerted the power lodged in you by the conſtitution of the province: but unfortunately for the two houſes his lordſhip paſſes a different judgment upon their conduct, and takes occaſion to applaud the wiſdom of thoſe who framed the charter, in providing that a power ſhould be placed in the Governor as an occaſional check upon any indiſcreet uſe of the right of electing counſellors. It evidently appears from this paſſage, that his Majeſty's miniſter has conceived an opinion of the two houſes, as having made an indiſcreet uſe of a charter right. The houſe were willing to be convinced that this opinion and other ſentiments expreſſed in his lordſhip's letter, which imply an high cenſure upon the two houſes, and upon particular members of this houſe, were rather inferences drawn from your letters, in which his lordſhip might be liable to miſtake, than the direct expreſſions of it: had your Excellency been pleaſed, to have favoured them with the copies, they might have been of uſe on this occaſion, and ſatisfactory to the houſe: but as you have thought proper to refuſe them, they are left to conjecture with all poſſible candour, and appeal to the world.

His Lordſhip is induced to believe, that the aſſembly have made an indiſcreet uſe of their right of chooſing counſellors, to the excluſion of the principal officers of government from the board, whoſe preſence there as counſellors ſo manifeſtly tends to facilitate the courſe of public buſineſs, and who have therefore been before this period uſually elected; and, that they have thus exerted their right, with a far different intention from that, of promoting the re-eſtabliſhment of tranquility, and evincing the duty and attachment of the colony towards Great Britain.—The houſe would be glad to juſtify this conſtruction of his Lordſhip's letter, which is nearly in the words of it, by publiſhing it in their journals, but that is inconſiſtent with your Excellency's reſtrictions.—This is not the firſt time that his Majeſty's miniſters, and even his Majeſty himſelf, after having had before him your Excellency's letters, and the incloſures, has thought it neceſſary to form an opinion of his loyal ſubjects of this province, as having a degree

degree of ill temper prevailing among them: and your Excellency cannot be ſenſible, that the preſent houſe have heretofore, for the ſake of conciliating the minds of the people and reſtoring an unanimity to this general court, requeſted your Excellency to give them the opportunity of making it evident to their conſtituents, that your letters had no tendency to induce ſuch an opinion and the houſe ſtill think that nothing would tend more to promote the ſalutary purpoſe of cultivating an harmony between the ſeveral branches of this legiſlature, in which your Excellency expreſſes a diſpoſition cheerfully to join with the houſe, that an open and unreſerved explanation to each other: for this purpoſe, the houſe in their meſſage aſſured you, that they were ready to lay before you their humble petition to his Majeſty, and their repreſentations to his miniſters, with all their other proceedings upon the important matters that have been before them, at the ſame time that they made their reaſonable requeſt of your Excellency's letters.

After having recited a great part of the ſentiment of his Lordſhip's letter, no one can be aſtoniſhed at the concluſion he is pleaſed to make, that under ſuch circumſtances it cannot be ſurpriſing, that his Majeſty's governor exerts the right entruſted to him by the ſame conſtitution, to the purpoſe of excluding thoſe from the council, whoſe miſtaken zeal may have led them into improper exceſſes, and whoſe private reſentments (and his lordſhip adds, he ſhould be ſorry to aſcribe to them motives ſtill more blameable) may in your opinion further lead them to embarraſs the adminiſtration and endanger the quiet of the province.—Surely his lordſhip would never have paſſed ſuch a cenſure upon the two houſes of aſſembly, nor upon particular gentlemen altogether ſtrangers to him, but upon what he thought to be the beſt authority: it is far beneath his character and dignity to give credit, or even to hearken to any account ſo prejudicial to the reputation of the province, and of particular perſons, but what he receives from gentlemen in the higheſt ſtations in it.—Your Excellency then muſt allow the houſe to believe, until they ſhall be convinced to the contrary, that your ſeveral letters, to which his lordſhip refers, are ſo fully expreſſed as to have left his lordſhip no room to ſuſpect that he could be miſtaken.

In ſuch a caſe your Excellency cannot think that the houſe can remain in ſilence: they recommend to their injured members

members a becoming calmneſs and fortitude; and take this occaſion to bear a teſtimony to their zeal for the honour of their king and the rights of their conſtituents: but the character of the people whom this houſe repreſent, as well as their own honour is at ſtake, and requires them to take every prudent meaſure for their own vindication. The houſe are truly ſorry that this new occaſion of miſtruſt and jealouſy has happened, but they can never be ſo wanting to themſelves, as to omit the opportunity of removing from his lordſhip's mind the unfavourable impreſſions which appear by his letters, and what is of much greater importance to them, of ſtanding before their ſovereign in their own juſt character of loyal ſubjects.

*February* 23, 1768.

*The Secretary went down to the Houſe of Repreſentatives with the following meſſage from his Excellency the Governor, which to prevent miſtakes was reduced to writing, and a copy thereof delivered to the Speaker.*

*Mr. Speaker,*

I am ordered by his Excellency to inform you that as this Houſe has thought fit to permit their meſſage of Feb. 18th, containing extracts from the Secretary of State's letter with obſervations upon it to be printed in a common news-paper, it is to no purpoſe to continue the reſtriction againſt granting copies of ſuch letter: he therefore conſents that it may be entered upon the journal of the houſe.

*Copy of a letter from the Right Hon. the Earl of Shelburne, to his Excellency Gov. Bernard, dated Whitehall, 17th of Sept. 1767, which was read to the Houſe by order of his Excellency, and occaſioned the letter to his Lordſhip inſerted* p. 304.

I have the pleaſure to ſignify to you his Majeſty's approbation of your conduct, and to acquaint you, that he is graciouſly pleaſed to approve of your having exerted the power lodged in you by the conſtitution of the province of Maſſachuſett's-Bay, of negativing counſellors in the late election, which appears from your ſeveral letters to have been done with due deliberation and judgment.

Thoſe who framed the preſent charter very wiſely provided that this power ſhould be placed in the governor as an occaſional check upon any indiſcreet uſe of the right of electing counſellors, which was given by charter to the aſſembly;

which

which might at certain periods, by an improper exerciſe, have a tendency to diſturb the deliberations of that part of the legiſlature, from whom the greateſt gravity and moderation is more peculiarly expected. As long therefore as the aſſembly ſhall exert their right of election to the excluſion of the principal officers of government, from council, whoſe preſence there, as counſellors, ſo manifeſtly tends to facilitate the courſe of public buſineſs, and who have therefore been before this period uſually elected, and whilſt, in particular, they exclude men of ſuch unexceptionable characters as both the preſent lieutenant governor and ſecretary undoubtedly are, and that too, at a time when it is more peculiarly the duty of all parts of the conſtitution to promote the re-eſtabliſhment of tranquility, and not forego the leaſt occaſion of evincing the duty and attachment of the colony towards Great Britain; it cannot, under ſuch circumſtances, be ſurprizing that his Majeſty's governor exerts the right entruſted to him by the ſame conſtitution, to the purpoſe of excluding thoſe from the council whoſe miſtaken zeal may have led them into improper exceſſes, and whoſe private reſentments (and I ſhould be ſorry to aſcribe to them motives ſtill more blameable) may in your opinion further lead them to embarraſs the adminiſtration and endanger the quiet of the province.

The diſpute which has ariſen concerning the lieutenant governor's being preſent without a voice, at the deliberations of the council, is no otherwiſe important, than as it tends to ſhew a warmth in the Houſe of Repreſentatives which I am extremely ſorry for.—There is no pretence of danger to be apprehended from the preſence of the lieutenant governor in council, there is no novelty in practice, and there is an apparent utility and propriety in admitting *him* to be preſent at the deliberations of the council, who may be ſuddenly called to the adminiſtration of the province. If this oppoſition to the lieutenant governor's ſitting in council, is to be conſidered as perſonal, it muſt appear here very extraordinary, that a perſon of his very reſpectable character, and whoſe learning and ability have been exerted in the ſervice of America, ſhould yet meet with ſo much animoſity and ill-will in a province, which ſeems to owe him particular obligations. But the queſtion concerning his admiſſion ſeems to lie after all in the breaſt of the council only, as being the proper judges of their own privileges, and as having the beſt

right

right to determine whom they will admit to be preſent at their deliberations.

As to what concerns the agency of the province, it is doubtleſs a point that merits attention: but as matters of this nature from other provinces have been heretofore under the conſideration of the lords of trade, his Majeſty has been pleaſed to refer the whole matter to their lordſhips for their report, before any determination ſhall be taken thereupon.

I am to inform you, Sir, that it is his Majeſty's determined reſolution to extend to you his countenance and protection in every conſtitutional meaſure that ſhall be found neceſſary for the ſupport of his government in the Maſſachuſett's Bay: and it will be your care and your duty to avail yourſelf of ſuch protection in thoſe caſes only, where the honor and dignity of his Majeſty's government is really either mediately or immediately concerned.

It is unneceſſary to obſerve that the nature of the Engliſh conſtitution is ſuch as to furniſh no real ground of jealouſy to the colonies, and where there is ſo large a foundation of confidence, it cannot be, but that accidental jealouſies muſt ſubſide, and things again return to their proper and national courſe; the extremes even of legal right, on either ſide, though ſometimes neceſſary, are always inconvenient, and men of real property, who muſt be ſenſible that their own proſperity is connected with the tranquility of the province, will not long be inactive, ſuffer their quiet to be diſturbed, and the peace and ſafety of the ſtate endangered by the indiſcretion or reſentment of any.

I am, with great truth and regard,
Sir, your moſt obedient
humble ſervant,
SHELBURNE.

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*A Letter to the Right Hon. the Earl of Shelburne, occaſioned by his Lordſhip's Letter to his Excellency Governor Bernard, read to the Houſe by the Secretary, by his Excellency's Order.*

*Province of the Maſſachuſetts-Bay, January* 22, 1768.

*My Lord,*

HIS Excellency Governor Bernard has been pleaſed to give orders to the ſecretary of this province to read to the Houſe of Repreſentatives a letter he had received from your Lordſhip, dated Whitehall the 17th of September, 1767; which having

having done, the ſecretary withdrew, without leaving a copy as uſual.

The Houſe were both grieved and aſtoniſhed to find your lordſhip under a neceſſity of expreſſing ſuch unfavourable ſentiments of the two Houſes of the general aſſembly, as well as of ſome particular members of this Houſe, altogether ſtrangers to you, with regard to the election of counſellors in May laſt. They obſerved, that your Lordſhip's letter had a reference to ſeveral of his Excellency's letters, upon which your ſentiments ſeemed to be formed: and as his Excellency had intimated to the Speaker of the Houſe his deſire of having a copy of a certain letter which the Houſe had directed to be ſent to the Speakers of the ſeveral Houſes of Aſſembly in the other colonies, a copy of which it is preſumed will be laid before your Lordſhip; the Houſe appointed a committee to wait on his Excellency, and acquaint him, that they were ready to lay before him the ſaid letter, and their whole proceedings, relating to an important affair then before them, if he ſhould deſire it. And the ſame committee was directed humbly to requeſt his Excellency to favour the Houſe with a copy of your Lordſhip's letter, together with his own letters to which it is referred. Whereupon meſſages paſſed between the Governor and the Houſe, which the Houſe begs leave to incloſe to your Lordſhip.

As the Houſe think they have juſt grounds of ſuſpicion, that his Excellency's letters to your Lordſhip contain, at leaſt, an implication of charge and accuſation againſt them, which they are kept in ignorance of, they rely upon your known candour and juſtice, that upon this their humble requeſt, you will be pleaſed to give orders, that copies be laid before the Houſe of Repreſentatives; that they may have the opportunity of vindicating themſelves and their conſtituents, and of happily removing from your mind an opinion of them, grounded, as your Lordſhip might then reaſonably judge, upon good information, as having beheaved in a manner unbecoming the character of loyal ſubjects. They hope you will be ſo favourable as to ſuſpend your farther judgment of them, till they can be made acquainted with the matters that may have been alledged againſt them, and can make their defence. In the mean time they beg leave juſt to mention to your Lordſhip, that the elections of the laſt May, ſo far as this Houſe had a part in them, were made with a freedom and deliberation ſuitable to the importance

of them: that they were influenced by no motives but the proſperity of his Majeſty's government, and the happineſs of his ſubjects: that the non-election of ſeveral gentlemen of diſtinguiſhed character and ſtation, was by no means the effect of party prejudice, private reſentment, or motives ſtill more blameable; but the reſult of calm reflection upon the danger that might accrue to our excellent conſtitution, and the liberties of the people, from too great a union of the legiſlative, executive and judiciary powers of government, which, in the opinion of the greateſt writers, ought always to be kept ſeparate: nor was this a new opinion, formed at a certain period; but it has been the prevailing ſentiment of many of the moſt ſenſible and unexceptionable gentlemen in the province for many years paſt; upon principles, which your Lordſhip's thorough knowledge of the conſtitution, and the juſt balance of the ſeveral powers of government, this Houſe is aſſured, will juſtify. And although his Excellency was pleaſed to exerciſe his undoubted right of negativing ſome of the gentlemen elected, the Houſe have had no reaſon to alter their opinion of them, as being unexceptionable in point of ability, fortune, and character. They beg pardon for this further trouble given to your Lordſhip, which they could not avoid; being ſolicitous to ſet their conduct in its true point of light before you: and they rely upon your known juſtice, that you will intercede with the throne for this province. They are aſſured, that your Lordſhip will not ſuffer a province to be miſrepreſented, even by perſons of ſtation here: and if there be any ſuch, they flatter themſelves, that their removal will render this people happy in the eſteem of the parent country, and much more ſo in the ſmiles of the beſt of Kings.

Signed by the Speaker.

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*Papers relating to a ſuppoſed libel on the Governor of the Province of the Maſſachuſett's-Bay.*

*The following was publiſhed in the Boſton Gazette, of Feb.* 29.

*Meſſrs. Edes and Gill.*

*Pleaſe to inſert the following.*

MAY it pleaſe your ——, We have for a long time known your enmity to this province. We have full proof of your cruelty to a loyal people. No age has perhaps furniſhed

niſhed a more glaring inſtance of obſtinate perſeverance in the path of malice, than is now exhibited in your ——. Could you have reaped any advantage from injuring this people, there would have been ſome excuſe for the manifold abuſes with which you have loaded them. But when a diabolical thirſt for miſchief is the alone motive of your conduct, you muſt not wonder if you are treated with open diſlike; for it is impoſſible, how much ſoever we endeavour it, to feel any eſteem for a man like you—Bad as the world may be, there is yet in every breaſt ſomething which points out the good man as an object worthy of reſpect, and marks the guileful treacherous man-hater for diſguſt and infamy—

Nothing has ever been more intolerable than your inſolence upon a late occaſion, when you had by your judicial inſinuations, induced a worthy miniſter of ſtate, to form a moſt unfavourable opinion of the province in general, and ſome of the moſt reſpectable inhabitants in particular; you had the effrontery to produce a letter from his Lordſhip, as proof of your ſucceſs in calumniating us.—Surely you muſt ſuppoſe we have loſt all feeling, or you would not dare thus tauntingly to diſplay the trophies of your ſlanders, and upbraidingly, to make us ſenſible of the inexpreſſible miſfortunes which you have brought upon us.——But I refrain, leſt a full repreſentation of the hardſhips ſuffered by this too long inſulted people ſhould lead them to an unwarrantable revenge We never can treat good and patriotic rulers with too great reverence.—But it is certain that men totally abandoned to wickedneſs, can never merit our regard, be their ſtations ever ſo high.

" *If ſuch men are by God appointed,*
" *The Devil may be the Lord's anointed.*" *

A TRUE PATRIOT.

*Boſton, March* 3.

*Tueſday laſt his Excellency the Governor was p'eaſed to ſend the following Meſſage to the Hon. his Majeſty's Council.*

*Gentlemen of the Council,*

I Have been uſed to treat the publications in the Boſton Gazette with the contempt they deſerve, but when they are carried to a length, which, if unnoticed, muſt endanger the



* Theſe two Lines are taken from Rocheſter's Satires.

very being of government, I cannot conſiſtently with the regard to this province which I profeſs and really have, excuſe myſelf from taking notice of a publication in the Boſton Gazette of yeſterday, beginning at the top of the ſecond page of the ſupplement. I therefore conſult you in council thereupon, and have received your unanimous advice, that I ſhould lay the ſaid libellous paper before the Houſe of Repreſentatives.

In purſuance of which advice, I have ordered the Secretary to communicate to you the ſaid libellous paper, that you may take the ſame, together with all the circumſtances attending it, into your ſerious conſideration, and do therein as the Majeſty of the King, and the dignity of his government, the honour of this general court, and the true intereſt of this province, ſhall require.

*Council-Chamber, March* 1, 1768. FRANCIS BERNARD.

*In Anſwer to which, there being the full number of the Council preſent, excepting three Gentlemen, the board unanimouſly voted the following Addreſs to his Excellency.*

The board have taken into ſerious conſideration your Excellency's meſſage of the firſt inſtant, with the Boſton Gazette communicated therewith.

The article in ſaid Gazette, referred to by your Excellency, gave the board a real concern, not only as it is miſchievous in its tendency, but as it is a falſe, ſcandalous, and impudent libel upon your Excellency.

Although the author of it may endeavour to ſcreen himſelf by the omiſſion of a name, yet as it refers particularly to a tranſaction ſo lately had in the general court, there is the higheſt preſumption, the intention of it could be no otherwiſe than to place your Excellency in the moſt odious light.

Such an inſolent and licentious attack on the chief magiſtrate (the King's repreſentative in the province) involves in it an attack on government itſelf; as it is ſubverſive of all order and decorum, and manifeſtly tends to deſtroy the ſubordination, that is abſolutely neceſſary to good government, and the well-being of ſociety. It would have been flagitious at any time, but being perpetrated while the general court is ſitting, and a tranſaction in the court the alledged occaſion of it, it becomes from theſe and other circumſtances, in the higheſt degree flagitious; and may juſtly be deemed,

not

not only an inſult on the general court; not only an inſult on the King's authority, and the dignity of his government; but, as it concludes with the moſt unwarrantable profaneneſs, an inſult upon the King of Kings.

The board therefore cannot but look upon the ſaid libel with the utmoſt abhorrence and deteſtation: and they are firmly perſuaded the province in general view it in the ſame light: the threats therefore implied in the ſaid libel cannot be the threats of the province, but of the libeller.

The board take this opportunity with one voice to aſſure your Excellency, that, to the utmoſt of their power, they will always defend and ſupport the honour and dignity of the King's governor: and will be ever ready to do, in this affair, as in every other, whatever the majeſty of the King, the honour of the general court, and the true intereſt of this province, ſhall require.

*His Excellency was pleaſed to return the following Anſwer.*

*Gentlemen,*

I thank you moſt heartily for this addreſs, in which you expreſs ſo full and unanimous a ſenſe of your duty to the King, and your reſolution to ſupport his government in this province. For myſelf, I am ſo fortified in a conſciouſneſs of my own integrity, which has hitherto defied the utmoſt malice to impeach it publickly, that I am not to be moved by the impotent attacks of an anonymous libeller. I ſhould not have taken notice of the libel in queſtion, if I had not apprehended it pregnant with danger to the government. As you are of the ſame opinion, I have only to aſſure you, that I will at all times moſt readily join with you in all proper meaſures to maintain the authority of the King, and to promote the welfare of the people, within the province, committed by his Majeſty to my charge.

*Council-Chamber, March* 3, 1768. FRANCIS BERNARD.

*His Excellency ſent the like Meſſage to the Houſe of Repreſentatives, as the preceeding to the Council,* mutatis mutandis; *to which the Houſe made the following Anſwer.*

*In the Houſe of Repreſentatives, March* 3, 1768.

Ordered, That Mr. Hancock, Mr. Otis, Col. Ward, Mr. Spooner, and Capt. Bradford, be a committee to wait on his

Excellency the Governor, with the following anſwer to his meſſage of the 1ſt inſtant.

*May it pleaſe your Excellency,*

In duty and great reſpect to his Majeſty's repreſentative and governor of the province, this houſe have given all due attention to your meſſage of the 1ſt inſtant. You are pleaſed to recommend to their ſerious conſideration, a publication in the Boſton Gazette of Monday laſt as "being carried to a length, which if unnoticed, muſt endanger the very being of government." In this view, your Excellency, in the notice you have taken of it, without doubt, acted "conſiſtently with the regard to this province, which you profeſs."

We are very ſorry that any publication in the news-paper, or any other cauſe, ſhould give your Excellency an apprehenſion of danger to the being or dignity of his Majeſty's government here. But this houſe, after examination into the nature and importance of the paper referred to, cannot ſee reaſon to admit of ſuch concluſion as your Excellency has formed. No particular perſon public or private is named in it: and as it doth not appear to the houſe, that any thing contained in it can affect "the Majeſty of the King, the dignity of the government, the honour of the general court, or the true intereſt of the province," they think they may be fully juſtified in their determination to take no further notice of it. †

The liberty of the preſs is a great bulwark of the liberty of the people: it is therefore the incumbent duty of thoſe who are conſtituted the guardians of the people's right, to defend and maintain it. This houſe, however, as one branch of the legiſlature, in which capacity alone they have any authority, are ready to diſcountenance an abuſe of this privilege, whenever there ſhall be occaſion for it: ſhould the proper bounds of it be at any time tranſgreſſed, to the prejudice of individuals, or the public, it is their opinion at preſent, that proviſion is already made for the puniſhment of offenders in the common courſe of the law. This proviſion

† The diviſion upon this queſtion was 56 to 18.—It was afterwards given in charge to the Grand Jury to preſent the piece as a libel. They refuſed to find the bill. And thus the matter ſtood when the laſt advices came from Boſton.

ſion, the houſe apprehend, in the preſent ſtate of tranquility in the province, is ſufficient, without the interpoſition of the general aſſembly; which, however it is hoped, will at all times be both ready and willing to ſupport the executive power in the adminiſtration of juſtice, whenever any extraordinary aid ſhall become needful.

*The diviſion in the Houſe upon this meſſage was* 39 *to* 30.

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*Boſton, (Friday) March* 4, 1768.

*This day his Excellency the Governor prorogued the great and general Court unto Wedneſday the* 13*th of April next, after making the following ſpeech.*

*Gentlemen of the Houſe of Repreſentatives,*

THE moderation and good temper, which appeared to regulate your conduct at the opening this ſeſſion, ſo flattered me that I promiſed myſelf that the like diſpoſition would have continued to the end of it, But I am ſorry to find that the lovers of contention, have ſhewed themſelves not ſo intent upon preventing it, as upon waiting for a fit opportunity to revive it. The extraordinary and indecent obſervations which have been made upon the Secretary of State's letter, wrote, as I may ſay, in the preſence of the King himſelf, will fully juſtify this ſuggeſtion. The cauſes of the cenſure therein contained, have been ſpecifically aſſigned and ſet forth in the letter itſelf. Theſe cauſes are facts univerſally known, and no where to be denied; they are conſidered in the letter as the ſole cauſes of the cenſure conſequent thereto; and there was no occaſion to reſort to my letters, or any other letters, for other reaſons for it. If you think that this cenſure is ſingular, you deceive yourſelves; and you are not ſo well informed of what paſſes in Weſtminſter as you ought to be, if you do not know that it is as general and extenſive as the knowledge of the proceeding to which it is applied: and therefore all your inſinuations againſt me, upon falſe ſuppoſitions of my having miſrepreſented you, are vain and groundleſs, when every effect is to be accounted for from plain narrative of facts which muſt have appeared to the Secretary of State from your own journals. It is not therefore me, gentlemen, that you call to account: it is the noble writer of the letter himſelf, the King's miniſter of ſtate, who has taken the liberty to find fault with the conduct of a party in your aſſembly.

Nor am I leſs innocent of the making this letter a ſubject of public reſentment. When upon the beſt advice, I found myſelf obliged to communicate it to you, I did it in ſuch a manner, that it might not, and would not, if you had been pleaſed, have tranſpired out of the general court. Prudent men, moderate men would have conſidered it as an admonition rather than a cenſure, and have made uſe of it as a means of reconciliation, rather than of further diſtraction: but there are men to whoſe being (I mean the being of their importance) everlaſting contention is neceſſary. And by theſe has this letter been dragged into public, and has been the ſubject of declamatory obſervations; which together with large extracts of the letter itſelf, have immediately after been carried to the preſs of the publiſhers of an infamous news-paper; notwithſtanding the letter had been communicated in a confidence that no copy of it ſhould be permitted to be taken. So little have availed the noble Lord's intentions of pointing out the means of reſtoring peace and harmony to this government, and my deſire to purſue ſuch ſalutary purpoſe to the utmoſt of my power.

Having ſaid thus much to vindicate myſelf, which every honeſt man has a right to do, I muſt add, that I have done nothing on my part to occaſion a diſpute between me and your houſe; it has been forced upon me by particular perſons for their own purpoſes. I never will have any diſpute with the repreſentatives of this good people which I can prevent, and will always treat them with due regard, and render them real ſervice when it is in my power. Time and experience will ſoon pull the maſks off thoſe falſe patriots, who are ſacrificing their own paſſions. In the mean while, I ſhall with more firmneſs than ever, if it is poſſible, purſue that ſteady conduct, which the ſervice of the King and the preſervation of this government ſo forcibly demand of me. And I ſhall, above all, endeavour to defend this injured country from the imputations which are caſt upon it, and the evils which threaten it, ariſing from the machinations of a few, very few, diſcontented men, and by no means to be charged on the generality of the people.

*Gentlemen of the Council,*

I return you thanks for your ſteady, uniform and patriotic conduct during this whole ſeſſion, which has ſhewn you impreſſed with a full ſenſe of your duty both to your king and

to

to your country. The unanimous example of men of your reſpectable characters, cannot fail of having great weight to engage the people in general, to unite in proper means to put an end to the diſſention, which has ſo long harraſſed this province in its internal policy, and diſgraced it in its reputation abroad. I ſhall not fail to make a faithful repreſentation to his Majeſty of your merit upon this occaſion.

*Council-Chamber, March* 4, 1768.

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On the 21ſt of June, the members of the aſſembly of Maſſachuſett's Bay received the following meſſage from Governor Bernard.

*Gentlemen of the Houſe of Repreſentatives,*

I have his Majeſty's orders to make a requiſition to you, which I communicate in the very words in which I have received it. I muſt deſire you to take it into immediate conſideration, and I aſſure you that your reſolution thereon will have moſt important conſequences to the province. I am myſelf merely miniſterial in this buſineſs, having received his Majeſty's inſtruction for all I have to do in it. I heartily wiſh that you may ſee how forcible the expediency of your giving this teſtimonial of your duty and ſubmiſſion is at this time. If you ſhould think otherwiſe, I muſt nevertheleſs do my duty.

*Council-Chamber, June* 21, 1768. FRANCIS BERNARD.

*The following was the Extract of the Letter from the Earl of Hillſborough, referred to in Governor Bernard's Meſſage, dated Whitehall, April* 22*d*, 1768.

IT gives great concern to his Majeſty to find that the ſame moderation which appeared by your letter to have been adopted at the beginning of the ſeſſion in a full aſſembly, had not continued, and that, inſtead of that ſpirit of prudence and reſpect to the conſtitution, which ſeemed at that time to influence the conduct of a large majority of the members, a thin houſe at the end of the ſeſſion ſhould have preſumed to revert to, and reſolve upon a meaſure of ſo inflammatory a nature as that of writing to the other colonies on the ſubject of their intended repreſentations againſt ſome late acts of parliament.

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His Majeſty conſiders this ſtep as evidently tending to create unwarrantable combinations, to excite an unjuſtifiable oppoſition to the conſtitutional authority of Parliament, and to revive thoſe unhappy diviſions and diſtractions which have operated ſo prejudicially to the true intereſts of Great-Britain and the colonies.

After what paſſed in the former part of the ſeſſion, and after the declared ſenſe of ſo large a majority when the houſe was full, his Majeſty cannot but conſider this as a very unfair proceeding, and the reſolutions taken thereupon to be contrary to the real ſenſe of the aſſembly, and procured by ſurprize: and therefore it is the King's pleaſure, that ſo ſoon as the general court is again aſſembled at the time preſcribed by the charter, you ſhould require of the Houſe of Repreſentatives, in his Majeſty's name, to reſcind the reſolution which gave birth to the circular letter from the Speaker, and to declare their diſapprobation of, and diſſent to, that raſh and haſty proceeding.

His Majeſty has the fulleſt reliance upon the affection of his good ſubjects in the Maſſachuſett's-Bay, and has obſerved, with ſatisfaction, that ſpirit of decency, and love of order, which has diſcovered itſelf in the conduct of the moſt conſiderable of its inhabitants; and therefore his Majeſty has the better ground to hope, that the attempts made by a deſperate faction to diſturb the public tranquility, will be diſcountenanced, and that the execution of the meaſure recommended to you will not meet with any difficulty.

*Governor of the Maſſachuſett's-Bay.*

*Two days after, the Houſe of Repreſentatives ſent this meſſage to Governor Bernard.*

*May it pleaſe your Excellency,*

The Houſe of Repreſentatives humbly requeſt your Excellency to lay before them a copy of his Majeſty's inſtructions referred to in your meſſage of the 21ſt inſtant; a copy of the letter to your Excellency from the Right Hon. the Earl of Hillſborough of April 22, 1768; a copy of a letter to his lordſhip, communicated lately to the Honourable Board; and copies of letters wrote by your Excellency to his lordſhip, relating to the ſubject of the aforeſaid meſſage.

*June* 23, 1768.

*The*

*The Governor replied to this meſſage next day as follows:*

*Gentlemen of the Houſe of Repreſentatives,*

I Should have communicated the whole of the Earl of Hillſborough's letter relating to the buſineſs which I laid before you on the 21ſt inſtant, if I had not been deſirous that your compliance with his Majeſty's requiſition might have its fulleſt merit, by its appearing to be entirely dictated by a ſenſe of your duty.

But ſince you deſire to know what my further orders are, I hereby ſend you a copy of the other part of the letter relative to this buſineſs, which contains all my inſtructions thereupon: and as I know you will not expect that I ſhould diſobey the King's poſitive commands, I muſt deſire that if you ſhould reſolve to oblige me to execute them, you will previouſly to your giving your final anſwer, prevent the inconveniencies which muſt fall upon the people for want of the annual tax bill, which I underſtand is not as yet ſent up to the board; for if I am obliged to diſſolve the general court, I ſhall not think myſelf at liberty to call another, till I receive his Majeſty's commands for that purpoſe, which will be too late to prevent the treaſurer iſſuing his warrants for the whole tax granted by the act of laſt year.

As to the letter of the Earl of Hillſborough, which I communicated to the council, I muſt beg leave to be the proper judge of the time and occaſion of communicating any papers I receive, to the council or the houſe. If I had then thought it expedient to lay it before the houſe, I ſhould have then done it; when I ſhall think it ſo, I ſhall do it.

As to your requeſt of copies of my letters to the Secretary of State, you may aſſure yourſelves that I ſhall never make public my letters to his Majeſty's miniſters, but upon my own motion, and for my own reaſons.

*Council-Chamber, June* 24, 1768. FRANCIS BERNARD.

*Remainder of Lord Hillſborough's letter to the Governor of the Maſſachuſett's-Bay, dated April* 22, 1768.

—If it ſhould, and if, notwithſtanding the apprehenſions which may juſtly be entertained of the ill conſequence of a continuance of this factious ſpirit, which ſeems to have influenced the reſolutions of the aſſembly at the concluſion of the laſt ſeſſion, the new aſſembly ſhould refuſe to comply with his Majeſty's reaſonable expectation, it is the King's pleaſure

pleaſure that you ſhould immediately diſſolve them, and tranſmit to me, to be laid before his Majeſty, an account of their proceedings thereupon, to the end that his Majeſty may, if he thinks fit, lay the whole matter before his Parliament, that ſuch proviſions as ſhall be found neceſſary may be made, to prevent for the future a conduct of ſo extraordinary and unconſtitutional a nature.

As it is not his Majeſty's intention that a faithful diſcharge of your duty ſhould operate to your own prejudice, or to the diſcontinuance of any neceſſary eſtabliſhments, proper care will be taken for the ſupport of the dignity of government. I am, with great truth and regard,

Sir, your moſt obedient humble ſervant,

HILLSBOROUGH.

*On the 28th of June, 1768, the Houſe of Repreſentatives received a meſſage from the Governor in theſe words:*

*Gentlemen of the Houſe of Repreſentatives,*

It is now a full week ſince I laid before you his Majeſty's requiſition, ſignified by his Secretary of State: I muſt therefore deſire you to come to a reſolution upon it, for I cannot admit of a much longer delay, without conſidering it as an anſwer in the negative.

*Council-Chamber, June* 28, 1768. FRANCIS BERNARD.

*To this meſſage the Houſe returned the following anſwer the next day:*

*May it pleaſe your Excellency,*

In anſwer to your Excellency's meſſage of the 28th inſtant, the Houſe of Repreſentatives requeſt, that your Excellency would favour this general court with a receſs, that *they* may conſult their conſtituents reſpecting the requiſition contained in your meſſage of the 21ſt inſt. in conſequence of the Earl of Hillſborough's letter to your Excellency.

*The Governor immediately ſent his reply to this requeſt of the Houſe of Aſſembly, as follows:*

*Gentlemen of the Houſe of Repreſentatives,*

I cannot conſiſtently with my ſenſe of my duty prorogue or adjourn the general court, until I have received your anſwer to his Majeſty's requiſition; I muſt therefore repeat my requeſt to you to bring this matter to a concluſion.

*Council-Chamber, June* 29, 1768. FRANCIS BERNARD.

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The next day, being Thurſday the 30th of June, a committee of the Houſe reported a letter to the Right Honourable the Earl of Hillſborough, which was diſtinctly read to the members ſeveral times, and afterwards accepted by a majority of *ninety-three* out of *one hundred and five*. A fair copy was ordered to be directly taken for the Speaker to ſign and tranſmit to his lordſhip as ſoon as poſſible. This letter was in the following words:

*Province of the Maſſachuſett's-Bay, June* 30, 1768.

*My Lord,*

HIS Excellency the Governor of this province, has been pleaſed to communicate to the Houſe of Repreſentatives extracts of a letter he had received from your lordſhip, dated Whitehall, 22d of April, 1768; wherein it is declared to be the royal pleaſure, that he ſhould require of them, in his Majeſty's name, to reſcind the reſolution, which gave birth to a circular letter from the Speaker of the laſt Houſe, and to declare their diſapprobation of, and diſſent to, that raſh and haſty proceeding.

The Houſe are humbly of opinion, that a requiſition from the throne of this nature, to a Britiſh Houſe of Commons has been very unuſual: perhaps there has been no ſuch precedent ſince the revolution. If this be the caſe, ſome very aggravated repreſentations of this meaſure muſt have been made to his Majeſty, to induce him to require of this Houſe to reſcind a reſolution of a former Houſe, upon pain of forfeiting their exiſtence; for, my Lord, the Houſe of Repreſentatives, duly elected, are conſtituted by the royal charter, the repreſentative body of his Majeſty's faithful commons of this province in the general aſſembly.—Your lordſhip is pleaſed to ſay, that his Majeſty conſiders this ſtep "as evidently tending to create unwarrantable combinations, and to excite an unjuſtifiable oppoſition to the conſtitutional authority of Parliament:" the Houſe, therefore, thought it their indiſpenſable duty immediately to reviſe the letter referred to, and carefully to recollect, as far as they were able, the ſentiments which prevailed in that Houſe, to induce them to revert to and reſolve on the meaſure.

It may be neceſſary to obſerve, that the people in this province have attended, with a deep concern, to the ſeveral acts of the Britiſh Parliament, which impoſe duties and taxes on the colonies; not for the purpoſe of regulating the trade,

but

but with the ſole intention of raiſing a revenue. This concern, my Lord, ſo far from being limited within the circle of a few inconſiderate perſons, is become univerſal: the moſt reſpectable for fortune, rank, and ſtation, as well as probity and underſtanding, in the province, with very few exceptions, are alarmed with apprehenſions of the fatal conſequences of a power exerciſed in any one part of the Britiſh Empire, to command and apply the property of their fellow-ſubjects at diſcretion. This conſideration prevailed on the laſt Houſe of Repreſentatives to reſolve on an humble, dutiful, and loyal petition to the King, the common head and father of all his people, for his gracious interpoſition in favour of his ſubjects of this province.—If your Lordſhip, whom his Majeſty has honoured with the American department, has been inſtrumental in preſenting a petition ſo intereſting to the well-being of his loyal ſubjects here, this Houſe beg leave to make their moſt grateful acknowledgements, and to implore your continued aid and patronage.

As all his Majeſty's North American ſubjects are alike affected by theſe Parliamentary revenue acts, the former Houſe very juſtly ſuppoſed, that each of the aſſemblies on the continent would take ſuch methods of obtaining redreſs as ſhould be thought by them reſpectively to be regular and proper; and being deſirous that the ſeveral applications ſhould harmonize with each other, they reſolved on their circular letter, wherein their only view ſeems to be to advertiſe their ſiſter colonies of the meaſures they had taken upon a common and important concern, without once calling upon them to adopt thoſe meaſures, or any other.

Your Lordſhip, ſurely, will not think it a crime in that Houſe, to have taken a ſtep which was perfectly conſiſtent with the conſtitution, and had a natural tendency to compoſe the minds of his Majeſty's ſubjects of this and his other colonies, until in his royal clemency he ſhould afford them relief —at a time when it ſeemed to be the evident deſign of a party to prevent calm, deliberate, rational, and conſtitutional meaſures from being purſued, or to ſtop the diſtreſſes of the people from reaching his Majeſty's ear, and conſequently to precipitate them into a ſtate of deſperation and melancholy extremity.—Thus, my Lord, it appears to this Houſe; and your Lordſhip will impartially judge, whether a repreſentation of it to his Majeſty as a meaſure "of an inflammatory nature"—as a ſtep evidently tending "to create unwarrantable

able combinations," and "to excite an unjuſtifiable oppoſition to the conſtitutional authority of the Parliament," be not injurious to the repreſentatives of this people, and an affront to his Majeſty himſelf.

An attempt, my Lord, to impreſs the royal mind with a jealouſy of his faithful ſubjects, for which there are no juſt grounds, is a crime of the moſt malignant nature, as it tends to diſturb and deſtroy that mutual confidence between the Prince and the ſubjects, which is the only true baſis of public happineſs and ſecurity: your Lordſhip, upon inquiry, may find that ſuch baſe and wicked attempts have been made.

It is an inexpreſſible grief to the people of this province, to find repeated cenſurers calling upon them, not from miniſters of ſtate alone, but from Majeſty itſelf, grounded on letters and accuſations from the governor, a ſight of which tho' repeatedly requeſted of his Excellency, is refuſed.—There is no evil of this life which they ſo ſenſibly feel as the diſpleaſure of their ſovereign; it is a puniſhment which they are aſſured his Majeſty would never inflict, but upon a repreſentation of the juſtice of it from his ſervants whom he confides in.—Your Lordſhip will allow the Houſe to appeal to your own candor upon the hardſhip of their being made to ſuffer ſo ſevere a misfortune, without ever been called to anſwer for themſelves, or even made acquainted with the matters of charge alledged againſt them; a right which, by the common rules of ſociety, founded in the eternal laws of reaſon and equity, they are juſtly entitled to. The Houſe is not willing to treſpaſs upon your patience; they could recite numbers of inſtances ſince Governor Bernard has been honoured by his Majeſty to preſide over this province, of their ſuffering the King's diſpleaſure through the inſtrumentality of the Governor, intimated by the Secretary of State, without the leaſt previous notice that they had ever deviated from the path of their duty. This they humbly conceive, is juſt matter of complaint, and it may ſerve to convince your Lordſhip, that his Excellency has not that tender feeling for his Majeſty's ſubjects which is characteriſtic of a good Governor, and of which the ſovereign affords an illuſtrious example.

It is the good fortune of the Houſe to be able to ſhew that the meaſures of the laſt Houſe, referred to in your Lordſhip's letter to the governor, have been groſly miſrepreſented in all its

its circumſtances; and it is matter of aſtoniſhment, that a tranſaction of the Houſe, the buſineſs of which is conſtantly done in the open view of the world, could be thus coloured; a tranſaction which, by ſpecial order of the Houſe, was laid before his Excellency, whoſe duty to his Majeſty is, at leaſt, not to miſinform him.

His Excellency could not but acknowledge, in juſtice to that Houſe, that moderation took place in the beginning of the ſeſſion. This is a truth, my Lord. It was a principle with the Houſe to conduct the affairs of government in their department ſo as to avoid the leaſt occaſion of offence. As an inſtance of their pacific diſpoſition, they granted a further eſtabliſhment for one of his Majeſty's garriſons in the province, rather to gratify his Excellency, who had requeſted it, than from a full conviction of its neceſſity. But your Lordſhip is informed, that this moderation "did not continue," and that "inſtead of a ſpirit of prudence and reſpect of the conſtitution, which ſeemed at that time to influence the conduct of a large majority of the members, a thin Houſe, at the end of the ſeſſion, preſumed to revert to, and reſolve on a meaſure of an inflammatory nature,"—"contrary to the real ſenſe of the Houſe,"—and "procured by ſurprize."—My Lord, the journal and minutes of the Houſe will prove the contrary of all this: and to convince your Lordſhip, the Houſe beg leave to lay before you the ſeveral reſolutions relating to theſe matters as they ſtand recorded.

The Houſe having finiſhed their petition to the King, and their letters to divers of his Majeſty's miniſters; a motion was regularly made, on the 21ſt of January, which was the middle of the ſeſſion, and a reſolution was then taken, to appoint a time to conſider the expediency of writing to the aſſemblies of the other colonies on this continent, with reſpect to the importance of their joining with them in petitioning his Majeſty at this time. Accordingly, on the day aſſigned, there being eighty-two members preſent, a number always allowed to be ſufficient to make a full Houſe, the queſtion was debated; in conſequence of which a motion took place, that letters be wrote to the ſeveral aſſemblies of the provinces and colonies on the continent, acquainting them that the Houſe had taken into conſideration the difficulties to which they are, and muſt be reduced, by the operation of the late acts of Parliament, for levying duties

and

and taxes on the colonies; and have reſolved on an humble, dutiful, and loyal petition to his Majeſty for redreſs, and alſo upon proper repreſentations to his Majeſty's miniſters on the ſubject. And to deſire that they would ſeverally take ſuch conſtitutional meaſures thereupon, as they ſhould judge moſt proper. And the queſtion upon the motion paſſed in the negative—On Thurſday the 4th of February, it was moved in the Houſe, that the foregoing queſtion be reconſidered, ſo far as to leave it at large; and, conformable to a ſtanding rule of the Houſe, that no vote or order ſhall be reconſidered at any time, unleſs the Houſe be as full as when ſuch vote or order was paſſed; the number in the Houſe was called for, and it appearing that eighty-two members were preſent*, the queſtion was put, and paſſed in the affirmative by a large majority: and by an immediate ſubſequent reſolve, the firſt vote was ordered to be eraſed. —The ſame day the reſolution which gave birth to the circular letter took place; a queſtion being regularly moved and fairly debated, whether the Houſe would appoint a committee to prepare a letter to be ſent to each of the Houſes of Repreſentatives and Burgeſſes on the continent, to inform them of the meaſures which this Houſe has taken with regard to the difficulties ariſing from the acts of Parliament for levying duties and taxes on the American colonies, and report to the Houſe, which paſſed in the affirmative; and a committee was appointed accordingly: This committee, after deliberating a week, reported the letter, which was read in the Houſe and accepted almoſt unanimouſly; and fair copies of the ſame were ordered to be taken for the Speaker to ſign and forward as ſoon as might be: and this day there were eighty-three members in the Houſe.

The day following an order paſſed, that a fair copy of this letter be tranſmitted to Dennis De Berdt, Eſq; in London. The deſign of which was, that he might be able to produce it, as neceſſity might require, to prevent any miſrepreſentation of its true ſpirit and deſign.

On Saturday the 13th of February, in order that no poſſible occaſion might be taken by the governor, to think that



* The ſame number as before: it is to be obſerved that the Houſe at that time conſiſted of about 110 members: by the royal charter 40 makes a quorum; hence it appears that 82 members are more than double the number ſufficient legally to tranſact buſineſs, and were then three quarters of the whole Houſe.

the debates and reſolutions were deſigned to be kept a ſecret from his Excellency, the Houſe came into the following reſolution, viz.—Whereas this Houſe hath directed, that a letter be ſent to the ſeveral Houſes of Repreſentatives and Burgeſſes of the Britiſh colonies on the continent, ſetting forth the ſentiments of the Houſe, with regard to the great difficulties that muſt accrue by the operation of divers acts of Parliament, for levying duties and taxes on the colonies, with the ſole and expreſs purpoſe of raiſing a revenue; and their proceedings thereon, in an humble, dutiful, and loyal petition to the King, and ſuch repreſentations to his Majeſty's miniſters, as they apprehend may have a tendency to obtain redreſs: and whereas it is the opinion of this Houſe, that all effectual methods ſhould be taken, to cultivate an harmony between the ſeveral branches of this government, as being neceſſary to promote the proſperity of his Majeſty's government in this province: Reſolved, that a committee wait on his Excellency the governor, and acquaint him a copy of the letter aforeſaid will be laid before him as ſoon as it can be drafted, as well as of all the proceedings in this Houſe relative to the ſaid affair, if he ſhall deſire it. And a committee was appointed, who waited on his Excellency accordingly.—On Monday following, the Houſe reſolved on the eſtabliſhment already mentioned, which is obſerved, only to ſhew your Lordſhip, that there was at this time, no diſpoſition in the Houſe, "to revive unhappy diviſions and diſtractions, ſo prejudicial to the true intereſt of Great Britain and the colonies."

The Houſe beg leave to apologize to your Lordſhip for the trouble given you in ſo particular a narration of facts; which they thought neceſſary to ſatisfy your Lordſhip;—that the reſolution of the laſt Houſe referred to by your Lordſhip, was not an unfair proceeding, procured by ſurprize in a thin Houſe, as his Majeſty has been informed; but the declared ſenſe of a large majority, when the Houſe was full: that the governor of the province was made fully acquainted with the meaſure; and never ſignified his diſapprobation of it to the Houſe, which it is preſumed he would have done, in duty to his Majeſty, if he had thought it was of evil tendency: and, that therefore, that Houſe had abundant reaſon to be confirmed in their own opinion of the meaſure, as being the production of moderation and prudence. And the Houſe humbly rely on the royal clemency, that

that to petition his Majeſty, will not be deemed by him to be inconſiſtent with a reſpect to the Britiſh conſtitution as ſettled at the revolution by William the Third: that to acquaint their fellow-ſubjects, involved in the ſame diſtreſs, of their having ſo done, in full hopes of ſucceſs, even if they had invited the union of all America in one joint ſupplication, would not be diſcountenanced by our gracious ſovereign, as a meaſure of an inflammatory nature: that when your Lordſhip ſhall in juſtice lay a true ſtate of theſe matters before his Majeſty, he will no longer conſider them as tending to create unwarrantable combinations, or excite an unjuſtifiable oppoſition to the conſtitutional authority of the Parliament: that he will then clearly diſcern, who are of that deſperate faction, which is continually diſturbing the public tranquility; and, that while his arm is extended, for the protection of his diſtreſſed and injured ſubjects, he will frown upon all thoſe, who, to gratify their own paſſions, have dared even to attempt to deceive him!

The Houſe of Repreſentatives of this province, have more than once, during the adminiſtration of Governor Bernard, been under the neceſſity of intreating his Majeſty's miniſters to ſuſpend their further judgment, upon ſuch repreſentations of the temper of the people, and the conduct of the aſſembly, as they were able to make appear to be injurious: the ſame indulgence this Houſe now beg of your Lordſhip: and beſeech of your Lordſhip to patronize them ſo far as to make a favourable repreſentation of their conduct to the King our ſovereign: it being the higheſt ambition of this Houſe, and the people whom they repreſent, to ſtand before his Majeſty in their juſt character of affectionate and loyal ſubjects.

Signed by the Speaker.

Then it was moved that the queſtion be put, whether the Houſe will reſcind the reſolution of the laſt Houſe, which gave birth to their circular letter to the ſeveral Houſes of Repreſentatives and Burgeſſes of the other colonies on the continent? and paſſed in the negative by a diviſion of *ninety-two* to *ſeventeen*.

Hereupon the committee reported an anſwer to the Governor's meſſages of the 21ſt and 24th of June, which was accepted by a large majority, and is as follows.

*A Meſſage from the Aſſembly to the Governor, June* 30, 1768.

*May it pleaſe your Excellency,*

The Houſe of Repreſentatives of this his Majeſty's ancient and loyal province of the Maſſachuſett's Bay, have, with the greateſt deliberation, conſidered your meſſages of the 21ſt and 24th inſtant, with the ſeveral extracts from the letter of the Right Honourable the Earl of Hillſborough, his Majeſty's principal Secretary of State for North American affairs, dated the 22d of April laſt, which your Excellency has thought fit to communicate. We have alſo received the written anſwer which your Excellency was pleaſed to give the committee of this Houſe, directed to wait on you the 29th inſtant with a meſſage humbly requeſting a receſs, that the members might be favoured with an opportunity to conſult their conſtituents at this important criſis, when a direct and peremptory requiſition is made of a new and ſtrange conſtructure, and ſo ſtrenuouſly urged, viz. That we ſhould immediately reſcind the reſolution of the laſt Houſe to tranſmit circular letters to the other Britiſh colonies on the continent of North America, barely intimating a deſire that they would join in ſimilar dutiful and loyal petions to our moſt gracious ſovereign, for the redreſs of the grievances, occaſioned by ſundry late acts of Parliament calculated for the ſole purpoſe of raiſing a revenue in America. We have moſt diligently reviſed not only the ſaid reſolution, but alſo the circular letter written and ſent in conſequence thereof, and after all, they both appear to us, to be conceived in terms not only prudent and moderate in themſelves, but reſpectful to the authority of that truly auguſt body the Parliament of Great Britain, and very dutiful and loyal in regard to his Majeſty's ſacred perſon, crown, and dignity; of all which we entertain ſentiments of the higheſt reverence and moſt ardent affection; and ſhould we ever depart from theſe ſentiments, we muſt ſtand ſelf-condemned, as unworthy the name of Britiſh ſubjects deſcended from Britiſh anceſtors, intimately allied and connected in intereſts and inclination with our fellow ſubjects the Commons of Great Britain. We cannot but expreſs our deep concern, that a meaſure of the late Houſe, in all reſpects ſo innocent, in moſt ſo virtuous and laudable, and as we conceive ſo truly patriotic, ſhould have been repreſented to adminiſtration in the odious light of a party and factious meaſure, and that

puſhed

puſhed through by reverting in a thin Houſe to, and reconſidering, what in a full aſſembly had been rejected. It was and is a matter of notoriety, that more than eighty members were preſent at the reconſideration of that vote againſt application to the other colonies. The vote of reconſideration was obtained by a large majority; it is, or ought to be well known, that the preſence of eighty members makes a full Houſe, this number being juſt double to that by the royal charter of the province required to conſtitute the third branch of our colony legiſlature.

Your Excellency might have been very eaſily informed, if you was not, that the meaſures of the late Houſe in regard to ſundry acts of the late Parliament for the ſole purpoſe of raiſing a North American revenue, were generally carried by *three* to *one*; and we dare appeal to your Excellency for the truth of this aſſertion, namely, that there were many perſons in the majority, in all views, as reſpectable as the very beſt of the minority. Nay, ſo far from any ſiniſter views, were the committee of the late Houſe, appointed and directed to take it into their moſt ſerious conſideration the then preſent ſtate of the province, from going into any raſh or precipitate meaſures that they for ſome days actually delayed their firſt report, which was a letter to Mr. agent De Berdt, on this candid and generous principle, that thoſe who were reaſonably preſuppoſed to be moſt warmly attached to all your Excellency's meaſures, eſpecially thoſe for furthering, and by all means enforcing the acts for levying a North American revenue, might be preſent, and a more equal conteſt enſue. It would be incredible ſhould any one aſſert, that your Excellency wanted a true information of all theſe things, which were not done, or deſired to be hid in a corner, but were notoriouſly tranſacted in the open light at noon-day. It is to us altogether incomprehenſible that we ſhould be required, on the peril of a diſſolution of the great and general court or aſſembly of this province to reſcind a reſolution of a former Houſe of Repreſentatives, when it is evident that a reſolution has no exiſtence but as a mere hiſtorical fact.

Your Excellency muſt know that the reſolution referred to, is, to ſpeak in the language of the common law, not now "executory," but to all intents and purpoſes, "executed." The circular letters have been ſent, and many of them have been anſwered: theſe anſwers are now in the

public papers; the public, the world, muſt and will judge of the propoſals, purpoſes, and the anſwers. We could as well reſcind thoſe letters as the reſolves, and both would be equally fruitleſs; if by *reſcinding*, as the word properly imports, is meant a repeal and nullifying of the reſolution referred to: but, if, as is moſt probable, by the word *reſcinding* is intended the paſſing a vote of this Houſe in direct and expreſs diſapprobation of the meaſures above-mentioned as "illegal, inflammatory, and tending to promote unjuſtifiable combinations" againſt his Majeſty's peace, crown, and dignity, we muſt take the liberty to teſtify, and publickly to declare, that we take it to be the native, inherent, and indefeaſible right of the ſubject, jointly or ſeverally to petition the King for the redreſs of grievances: provided always, that the ſame be done in a decent, dutiful, loyal, and conſtitutional way, without tumult, diſorder, or confuſion. We are alſo humbly, but clearly and very firmly of opinion, that the petition of the late dutiful and loyal Houſe to his Majeſty, and their other very orderly applications for the redreſs of grievances, have had the moſt deſirable tendencies and effects to keep mens minds in eaſe and quiet. We muſt be excuſed in thinking that the people were in truth patiently waiting for the meeting of new Parliament, their meaſures, and his Majeſty's pleaſure: and it is probable that they would every where have thus waited for the great event, had it not been revealed here that the late provincial applications for redreſs of grievances were ſomehow ſtrangely obſtructed, and the province, in conſequence of miſinformation and miſrepreſentation, moſt unfortunately fallen under the royal diſpleaſure: and to complete this misfortune, it was not only diſguiſed to the other colonies, but ſome of them actually received the information before it was made known here, that the houſe had been accuſed to his Majeſty, or his miniſtry, or fallen under the diſpleaſure of the one, or the cenſure of the other.

On the whole, Sir, we will conſider his moſt ſacred Majeſty, under God, as our King, and beſt protected and common Father: and ſhall ever bear him true and faithful allegiance. We alſo regard your Excellency as the repreſentative of the greateſt potentate on earth, and at all times have, ſo far as could conſiſt with the important purpoſes of preſerving life, liberty, and property, been moſt ready and willing to treat you with all that reſpect juſtly due to your high

high rank and ſtation. But we are conſtrained to ſay, that we are diſagreeably convinced that your Excellency entertains not that paternal regard for the welfare of the good people of this province, which you have ſome times been pleaſed to profeſs, and which they have at all times an irrefragable right to expect from their governor. Your Excellency has thought fit not only to deny us a receſs to conſult our conſtituents, in regard to the preſent requiſition, but has aſſured us, in effect, that you ſhall take ſilence, at leaſt a delay, not as uſual for a conſent, but for a denial. You have alſo thought fit to inform us that you cannot think yourſelf at liberty, in caſe of the diſſolution of this, to call another aſſembly, without the expreſs orders of his Majeſty for that purpoſe: at the ſame time your Excellency has been pleaſed to aſſure us that you have communicated the whole of Lord Hillſborough's letters, and your inſtructions, ſo far as relates to the requiſition.—In all this, however, we cannot find that your Excellency is more than directed to diſſolve the preſent aſſembly, in caſe of a non-compliance on the part of the Houſe. If the votes of the Houſe are to be controuled by the direction of a Miniſter, we have left us but a vain ſemblance of liberty. We know it to be the juſt prerogative of the Crown, at pleaſure, to diſſolve a Parliament: we are alſo ſenſible, that conſiſtently with the great charter of this province, your Excellency when you ſhall think fit, with or without the intervention of the miniſter, can diſſolve the great and general court of this colony, and that without the leaſt obligation to convene another within the year. But ſhould it ever grow in uſe for any ill-diſpoſed governor of the province, by means of a miſtaken or wilfully wrong ſtate of facts, to procure orders for a diſſolution, that ſame charter will be of no value.

We take this opportunity faithfully and firmly to repreſent to your Excellency, that the new revenue acts and meaſures are not only diſagreeable to, but in every view deemed an inſupportable burthen and grievance, with a very few exceptions, by all the freeholders and other inhabitants of this juriſdiction; and we beg leave, once for all, to aſſure your Excellency, that thoſe of this opinion are of no "party or expiring faction." They have at all times been ready to devote their lives and fortunes to his Majeſty's ſervice. Of loyalty this majority could as reaſonably boaſt as any who may happen to enjoy your Excellency's ſmiles: their repu-

tation, rank, and fortune, are at leaſt equal to thoſe who may have been ſometimes conſidered as the only friends to good government, while ſome of the beſt blood of the colony, even in two Houſes of Aſſembly lawfully convened, and duly acting, have been openly charged with the unpardonable crime of oppugnation againſt the royal authority. We have now only to inform your Excellency, that this Houſe have voted not to reſcind, as required, the reſolution of the laſt Houſe, and that, on a diviſion on the queſtion, there were 92 *Nays* and 17 *Yeas*. In all this we have been actuated by a conſcientious, and finally, a clear and determined ſenſe of duty to God, to our King, our country, and to our lateſt poſterity: and we moſt ardently wiſh, and humbly pray, that in your future conduct your Excellency may be influenced by the ſame principles.

His Excellency after having received the laſt foregoing meſſage from the Houſe, directed their attendance in the Council-Chamber; when, after giving his aſſent to ſeveral bills, he was pleaſed to prorogue the great and general court, to Wedneſday the third day of Auguſt next; but the next day the aſſembly was *diſſolved* by proclamation.

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*The following Letters from ſeveral Houſes of Repreſentatives of the other Colonies, were received by the Houſe of Repreſentatives of the Province of Maſſachuſett's-Bay, in Anſwer to their circular Letter of the 11th of February laſt.*

*To the Hon. the Speaker of the Hon. Houſe of Repreſentatives of the Province of the Maſſachuſett's-Bay.*

SIR, *Virginia, May* 9, 1768.

THE Houſe of Burgeſſes of this colony proceeded very ſoon after they met to the conſideration of your important letter of the 11th of February, 1768, written in the name, and by the order of the Houſe of Repreſentatives of your province; and I have received their particular direction to deſire you to inform that honourable Houſe, that they applaud them for their attention to American liberty, and that the ſteps they have taken thereon, will convince them of their opinion of the fatal tendency of the acts of parliament complained of, and of their fixed reſolution to concur with the other colonies in their application for redreſs.

After the moſt deliberate conſultation, they thought it their duty to repreſent to the Parliament of Great-Britain, that

that they are truly ſenſible of the happineſs and ſecurity they derive from their connexions with, and dependence on Great Britain, and are under the greateſt concern that any unlucky incident ſhould interrupt that ſalutary harmony, which they wiſh ever to ſubſiſt. They lament that the remoteneſs of their ſituation often expoſes them to ſuch miſrepreſentations, as are apt to involve them in cenſures of diſloyalty to their ſovereign, and the want of a proper reſpect to the Britiſh Parliament, whereas they have indulged themſelves in the agreeable perſuaſion, that they ought to be conſidered as inferior to none of their fellow-ſubjects in loyalty and affection.

That they do not affect an independency of their parent kingdom, the proſperity of which they are bound to the utmoſt of their abilities to promote, but cheerfully acquieſce in the authority of parliament to make laws for preſerving a neceſſary dependence and for regulating the trade of the colonies. Yet they cannot conceive, and humbly inſiſt, it is not eſſential to ſupport a proper relation between a mother-country and colonies tranſplanted from her, that ſhe ſhould have a right to raiſe money from them without their conſent, and preſume they do not aſpire to more than the natural rights of Britiſh ſubjects, when they aſſert that no power on earth has a right to impoſe taxes on the people, or take the ſmalleſt portion of their property, without their conſent, given by their repreſentatives in parliament. This has ever been conſidered as the chief pillar of the conſtitution; without this ſupport no man can be ſaid to have the leaſt ſhadow of liberty, ſince they can have no property in that, which another can by right take from them when he pleaſes, without their conſent.

That their anceſtors brought over with them intire, and tranſmitted to their deſcendants, the natural and conſtitutional rights they had enjoyed in their native country; and the firſt principles of the Britiſh conſtitution were early engrafted into the conſtitution of the colonies. Hence a legiſlative authority, ever eſſential in all free ſtates, were derived and aſſimilated as nearly as might be to that in England; the executive power and right of aſſenting or diſſenting to all laws reſerved to the crown, and the privilege of chooſing their own repreſentatives continued to the people, and confirmed to them by repeated and expreſs ſtipulations. The

government thus eſtabliſhed, they enjoyed the fruits of their own labour with a ſerenity which liberty only can impart. Upon preſſing occaſions they applied to his Majeſty for relief, and gratefully acknowledge they have frequently received it from their mother-country: whenever their aſſiſtance was neceſſary, requiſitions have conſtantly been made from the crown to the repreſentatives of the people, who have complied with them to the utmoſt extent of their abilities. The ample proviſion made for the ſupport of civil government, in the reign of King Charles the ſecond, and at his requeſt, and the large ſupplies voted during the laſt war upon requiſitions from his Majeſty and his royal grandfather, afford early and late inſtances of the diſpoſitions of the aſſemblies of this colony, and are ſufficient proofs that the parliament of Great-Britain did not till lately, aſſume a power of impoſing taxes on the people, for the purpoſe of raiſing a revenue.

To ſay that the Commons of Great-Britain have a right to impoſe internal taxes on the inhabitants of this continent, who are not and cannot be repreſented, is in effect to bid them prepare for a ſtate of ſlavery. What muſt be their ſituation, ſhould ſuch a right be eſtabliſhed? The colonies have no conſtitutional check to their liberality in giving away their money, cannot have an opportunity of explaining their grievances, or of pointing out the eaſieſt method of taxation, for their doom will generally be determined before they are acquainted that the ſubject has been agitated in parliament, and the commons bear no proportion of the taxes they lay upon them. The notion of a virtual repreſentation, which would render all our rights merely ideal, has been ſo often and ſo clearly refuted, that nothing need be ſaid on that head.

The oppreſſive ſtamp-act confeſſedly impoſed internal taxes, and the late acts of Parliament, giving and granting certain duties in the Britiſh colonies, plainly tend to the ſame point. Duties have been impoſed to reſtrain the commerce of one part of the empire that was likely to prove injurious to another, and by this means the welfare of the whole promoted; but duties impoſed on ſuch of the Britiſh exports as are neceſſaries of life, to be paid by the colonies on importation, without any view to the intereſts of commerce, but merely to raiſe a revenue, or in other words to compel the coloniſts to part with their money againſt their inclinations,

tions, they conceive to be tax internal to all intents and purpoſes. And can it be thought juſt or reaſonable, reſtricted as they are in their trade, confined as they are in their exports, obliged to purchaſe theſe very neceſſaries at the Britiſh Market, that they ſhould now be told they ſhall not have them without paying a duty for them?

The act ſuſpending the legiſlative power of New-York, they conſider as ſtill more alarming to the colonies, though it has that ſingle province in view. If the Parliament can compel them to furniſh a ſingle article to the troops ſent over, they may, by the ſame rule, oblige them to furniſh cloaths, arms, and every other neceſſary, even the pay of the officers and ſoldiers—a doctrine replete with every miſchief, and utterly ſubverſive of all that's dear and valuable: —for what advantage can the people of the colonies derive from their right of chooſing their own repreſentatives, if thoſe repreſentatives when choſen, not permitted to exerciſe their own judgments, were under a neceſſity (on pain of being deprived of their legiſlative authority) of inforcing the mandates of a Britiſh Parliament.

This, Sir, is a ſketch of their ſentiments, as they are expreſſed in a Petition to his Majeſty, a Memorial to the Right Honourable the Lords Spiritual and Temporal, and in a Remonſtrance to the Knights, Citizens and Burgeſſes of Great-Britain in Parliament aſſembled. In all their proceedings the council of this colony have concurred, and have directed their agent, James Abercromby, Eſq; to join Edward Montague, Eſq; the agent for this colony, in applying for redreſs of the grievances they ſo juſtly complain of. Copies were delivered to the Preſident of the Council, now Commander in Chief, who is deſired to tranſmit them to the Secretary of State appointed by his Majeſty to manage the affairs of North America, and Mr. Montague is enjoined to conſult the agents of the other colonies, and to co-operate with them in every meaſure that ſhall be thought neceſſary to be taken on this critical point.

They truſt they have expreſſed themſelves with a firmneſs that becomes freemen pleading for eſſential rights, and with a decency that will take off every imputation of faction or diſloyalty. They repoſe entire confidence in his Majeſty, who is ever attentive to the complaints of his ſubjects, and is ever ready to relieve their diſtreſs; and they are not without hopes that the colonies united in a decent and regular

oppoſition,

oppoſition, may prevail on a new Houſe of Commons to put a ſtop to meaſures ſo directly repugnant to the intereſts both of the mother country, and her colonies. In the name and by order of the Houſe of Burgeſſes, I am, with the greateſt reſpect, your moſt obedient humble ſervant,

PEYTON RANDOLPH, Speaker.

*Colony of New Jerſey, May* 9, 1768.

SIR,

AS ſoon as the Houſe of Repreſentatives of this colony met, which was on the 12th of April, I laid your letter of the 11th of February before them.

Senſible that the law you complain of, is a ſubject in which every colony is intereſted, the Houſe of Repreſentatives readily perceived the neceſſity of an immediate application to the King, and that it ſhould correſpond with thoſe of the other colonies; but as they have not had an opportunity of knowing the ſentiments of any other colonies but that of the Maſſachuſett's-Bay, they have endeavoured to conform themſelves to the mode adopted by you.

They have therefore given inſtructions to their agent, and enjoined his attention to the ſubject of their petition.

The freedom with which the Houſe of Repreſentatives of the Maſſachuſett's-Bay have communicated their ſentiments upon a matter of ſo great concern to all the colonies, hath been received by this Houſe, with that candor, the ſpirit and deſign of your letter merits.—And at the ſame time, that they acknowledge themſelves obliged to you for communicating your ſentiments to them, they have directed me to aſſure you, that they are deſirous to keep up a correſpondence with you, and to unite with the colonies, if neceſſary, in further ſupplications to his Majeſty to relieve his diſtreſſed American ſubjects. In the name and by order of the Houſe of Repreſentatives, I am, Sir, your moſt obedient humble ſervant,

CORTLAND SKINNER, Speaker.

*Colony of Connecticut,* 11*th June,* 1768.

SIR,

BY order of the Houſe of Repreſentatives of this colony, I am to acknowledge the receipt of your letter of the 11th February laſt, communicating the ſenſe which the repreſentative body of your province have of the great difficulties to which they and their conſtituents muſt be ſubjected by the operation

operation of the ſeveral acts of the Britiſh Parliament by you referred to, and the meaſures they have gone into for obtaining redreſs of thoſe grievances.

Your letter was laid before this Houſe of Repreſentatives early in the ſeſſion which is now juſt cloſed. They conſider the ſaid acts of parliament in their nature, tendency, and operation as matters of ſerious concern, and of very intereſting importance, to this and all the Engliſh American colonies, and are of opinion that no conſtitutional meaſures proper for obtaining relief ought to be neglected by any, and that it is of importance their meaſures for that end ſhould harmonize with each other, as their ſucceſs may in a great degree depend on their union in ſentiment and practice, on this critical and intereſting occaſion.

The Houſe therefore very kindly accepted your letter, and are perſuaded from the importance of the cauſe, the laudable zeal, and the generous exertions of the province of the Maſſachuſett's-Bay, from time to time, in favour of her conſtitutional freedom, that it proceeded only from a hearty concern for the juſt rights, the common intereſt and welfare of theſe colonies.

This Houſe are deſirous ever to cultivate the ſtricteſt friendſhip and harmony with the neighbouring colonies, and with none more than your's, and will be always ready to receive, with the utmoſt candour, their opinion in any matters of general concern, and equally willing on all proper occaſions to communicate their own ſentiment on any ſubjects of our common welfare, in full confidence they would meet with the ſame friendly and candid acceptance.

This Houſe have alſo taken into their ſerious conſideration the operation of the ſaid acts of parliament, and are deeply ſenſible that this, in common with her ſiſter colonies, muſt thereby be involved in great difficulties, which are perhaps a prelude to ſtill greater, and have purſued meaſures for obtaining redreſs, ſimilar to thoſe adopted by the Houſe of Repreſentatives of your province.

We cannot but entertain with you, the ſtrongeſt confidence in the King's royal clemency, juſtice, and goodneſs, that the united, dutiful ſupplications of his faithful, diſtreſſed ſubjects in America, will meet with a kind and gracious acceptance.

In the name and by order of the Houſe of Repreſentatives, I am, Sir, with great eſteem and reſpect, your moſt obedient humble ſervant, ZEBULON WEST, Speaker.

To

*To the Honourable the Speaker of the Houſe of Repreſentatives in the Province of the Maſſachuſett's-Bay.*

*Province of Georgia, 15th June,* 1768.

SIR,

YOUR reſpected favour of the 11th of February came to my hand only a few days ſince. I am ſorry it is not in my power to give you ſo full and ſatisfactory an anſwer thereto, as the importance of the ſubject requires: the members of the preſent aſſembly of this province have but lately been elected, and though the writs were returnable, and the Houſe required to meet the firſt of this month, yet our Governor thought proper, prior thereto, to prorogue the aſſembly until November; for this reaſon, Sir, I can only for the preſent, reply to your favour as a private perſon, or late Speaker, and inform you, that before the diſſolution of the laſt aſſembly, the Houſe took under conſideration the ſeveral late acts of parliament for impoſing taxes and duties on the American colonies, and being ſenſibly affected thereby, ordered the committee of correſpondence to inſtruct our provincial agent, (Mr. Benjamin Franklin) to join earneſtly with the other colonies agents in ſoliciting a repeal of thoſe acts, and in remonſtrating againſt any acts of the like nature for the future: this inſtruction hath been tranſmitted to Mr. Franklin, and I have no doubt but he will punctually obſerve it. When the aſſembly meet I will lay your favour before the Houſe; and I am aſſured ſuch meaſures will be purſued in conſequence thereof as will manifeſt their regard for conſtitutional liberty, and with reſpect for the Houſe of Repreſentatives of the province of Maſſachuſett's-Bay, whoſe wiſe and ſpirited conduct is ſo juſtly admired.

I am, Sir, with the utmoſt reſpect,
Your moſt obedient ſervant,
ALEXANDER WYLLY.

*The Speaker of the Houſe of Repreſentatives of Maſſachuſett's-Bay alſo received the following letter from the Speaker of the Houſe of Repreſentatives of the Province of Maryland, relating to the circular letter.*

*Province of Maryland, June 24th,* 1768

SIR,

I Had the honour to receive your favour of the 11th o February laſt, and on a meeting of our aſſembly I commu nicate

nicated it to our Houſe, and I am deſired to aſſure you they acknowledge themſelves obliged by a candid and free communication of ſentiments of a ſiſter colony on a point ſo intereſting to the whole; and that their opinion of the conſequences to the colonies of the operation of the ſeveral acts of parliament you allude to, coincide exactly with yours, and that they are perſuaded of the neceſſity of harmonizing as much as poſſible in proper meaſures for redreſs.

This Houſe, upon conſidering the acts of parliament, prepared an humble, dutiful, and loyal petition to his Majeſty, ſetting forth, That it is a fixed and unalterable principle in the nature of things, and a part of the very idea of property, that whatever a man hath honeſtly acquired cannot be taken from him without his conſent; that this immutable principle is ingrafted as a fundamental into the Engliſh conſtitution, and is declared by Magna Charta, and the petition and bill of rights, and from thence every Britiſh ſubject, the moſt diſtant, is juſtly intitled to all the rights of Engliſhmen; that this right is further declared and confirmed by our charter; under the confidence whereof our forefathers encountered every difficulty, to ſettle this colony, which under providence has increaſed his Majeſty's ſubjects, extended the trade, and added to the wealth of the mother country: that we have always been permitted to enjoy this right until lately; that we are not, nor can we ever be effectually repreſented in the Britiſh parliament; and that theſe ſtatutes do, in our apprehenſion, infringe the great fundamental principle, that no man can be taxed but with his own conſent given by himſelf or his Repreſentative. This, Sir, is the ſubſtance of our petition, and I am ordered to traſmit it to Charles Garth, Eſq; ſpecial agent for our Houſe of Delegates, to be preſented, and we ſhall requeſt him to co-operate with yours and the other colony agents in endeavouring to procure us relief, and hope with you his Majeſty's great goodneſs of heart will incline him to receive the dutiful ſupplication of his remote ſubjects with favour and attention.

Juſt before the cloſe of our ſeſſion we received a meſſage from our Governor, a copy of which you have herewith; and alſo a copy of the addreſs by our Houſe in anſwer thereto, which fully convey to you their ſentiments on the ſubject.

I am,

I am, in the name and by order of the Houſe of Repreſentatives, Sir, with very great reſpect, your moſt humble and obedient ſervant,

ROBERT LLOYD, Speaker.

*To the Honourable Thomas Cuſhing, Eſq;*
*Speaker of the Honourable Houſe of*
*Repreſentatives of Maſſachuſett's-Bay.*

*Copy of the meſſage from Governor Sharpe to the Houſe of Repreſentatives of the Province of Maryland.*

*Gentlemen of the Lower Houſe of Aſſembly,*

THE King our moſt gracious ſovereign having been informed that a circular letter, a copy of which hath been communicated to his miniſters, was in February laſt ſent by the Speaker of the Houſe of Repreſentatives of the colony of Maſſachuſett's to the Speakers of other Houſes of Aſſembly in North America, hath been pleaſed to order it to be ſignified to me, that he conſiders ſuch meaſure to be of a moſt dangerous and factious tendency, calculated to inflame the minds of his good ſubjects in the colonies, to promote an unwarrantable combination, to excite and encourage an open oppoſition to and denial of the authority of Parliament, and to ſubvert the true principles of the conſtitution; but while I notify to you his Majeſty's ſentiments with reſpect to this matter, I am alſo to tell you that the repeated proofs which have been given by the aſſembly of this province of their reverence and reſpect for the laws, and of their faithful attachment to the conſtitution, leave little room for his Majeſty to doubt of their ſhewing a proper reſentment of ſuch unjuſtifiable attempt to revive thoſe diſtractions which have operated ſo fatally to the prejudice of both the colonies and the mother-country, and I flatter myſelf that in caſe ſuch a letter has been addreſſed to the Speaker of your Houſe, you will confirm the favourable opinion his Majeſty at preſent entertains of his Maryland ſubjects, by taking no notice of ſuch letter, which will be treating it with the contempt it deſerves.

20th *June*, 1768. HORATIO SHARPE

*Copy of the Addreſs of the Houſe of Delegates to Governor Sharpe, occaſioned by the above Meſſage.*

*To his Excellency Horatio Sharpe, Eſq; Governor and Commander in Chief in and over the Province of Maryland.*

*May it pleaſe your Excellency,*

IN anſwer to your Excellency's meſſage of the 20th we muſt obſerve, that if the letter from the Speaker of the Houſe of Repreſentatives of the colony of Maſſachuſett's-Bay, addreſſed to and communicated by our Speaker to this Houſe, be the ſame with the letter, a copy of which you are pleaſed to intimate, hath been communicated to the King's miniſters, it is very alarming to find that at a time when the people of America think themſelves aggrieved by the late acts of Parliament impoſing taxes on them for the ſole and expreſs purpoſe of raiſing a revenue, and in the moſt dutiful manner are ſeeking redreſs from the Throne, any endeavours to unite in laying before their ſovereign what is apprehended to be their juſt complaint, ſhould be looked upon 'as a meaſure of moſt dangerous and factious 'tendency, calculated to inflame the minds of his Majeſty's 'good ſubjects, in the colonies, to promote an unwarrantable 'combination, to excite and encourage an open oppoſition 'to, and denial of the authority of Parliament, and to ſub-'vert the true principles of the conſtitution.' We cannot but view this as an attempt in ſome of his Majeſty's miniſters to ſuppreſs all communication of ſentiments between the colonies, and to prevent the united ſupplications of America from reaching the royal ear. We hope the conduct of this Houſe will ever evince their reverence and reſpect for the laws and faithful attachment to the conſtitution; but we cannot be brought to reſent an exertion of the moſt undoubted conſtitutional right of petitioning the throne, or any endeavours to procure and preſerve an union of the colonies as an unjuſtifiable attempt to revive thoſe diſtractions which it is ſaid have operated ſo fatally to the prejudice of both the colonies and the mother country. We have the warmeſt and moſt affectionate attachment to our moſt gracious ſovereign, and ſhall ever pay the readieſt and moſt reſpectful regard to the juſt and conſtitutional power of the Britiſh Parliament; but we ſhall not be intimidated by a few ſounding expreſſions from doing what we think is right. The Houſe of Repreſentatives of the colony of Maſſa-

chuſett's-Bay in their letter to us, have intimated that they have preferred an humble, dutiful and loyal petition to the King, and expreſſed their confidence that the united and dutiful ſupplications of his diſtreſſed American ſubjects will meet with his royal and favourable acceptance; and we think they have aſſerted their rights with a decent reſpect to their ſovereign, and a due ſubmiſſion to the authority of Parliament. What we ſhall do upon this occaſion, or whether in conſequence of that letter we ſhall do any thing, it is not our preſent buſineſs to communicate to your Excellency: but of this be pleaſed to be aſſured, that we cannot be prevailed on to take no notice of, or to treat with the leaſt degree of contempt, a letter ſo expreſſive of duty and loyalty to the ſovereign, and ſo replete with juſt principles of liberty; and your Excellency may depend that whenever we apprehend the rights of the people to be affected, we ſhall not fail boldly to aſſert and ſteadily endeavour to maintain and ſupport them, always remembering, what we could wiſh never to be forgot, that by the Bill of Rights it is declared, 'that 'it is the right of the ſubject to petition the King, and all 'commitments and proſecutions for ſuch petitioning are 'illegal.' By order of the Lower Houſe of Aſſembly,

*June* 23d, 1768. ROBERT LLOYD, Speaker*.

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*The following is a Copy of a Letter communicated to the Houſe of Aſſembly of the Colony of Rhode-Iſland, on Saturday the* 18*th of June, by the Governor of that Colony.*

*Gentlemen,* *Whitehall, April* 21, 1768.

I Have his Majeſty's commands to tranſmit to you the incloſed copy of a letter from the Speaker of the Houſe of Repreſentatives of the colony of the Maſſachuſett's-Bay, addreſſed by order of that Houſe to the Speaker of the aſſembly of each colony upon the continent of North-America; as his Majeſty conſiders this meaſure to be of a moſt dangerous and factious tendency, calculated to enflame the minds of his good ſubjects in the colonies; to promote an unwarrantable combination, and to excite and encourage an open

* The anſwer of Governor Sharpe to this addreſs, imported his diſappointment in the effect of his meſſage; and his having inſtructions to put an end to the ſeſſion (whether to diſſolve or prorogue it, he did not ſay) if the Houſe proceeded to any meaſures in favour of liberty.

open oppoſition to and denial of the authority of Parliament, and to ſubvert the true principles of the conſtitution.—It is his Majeſty's pleaſure that you ſhould, immediately upon the receipt hereof, exert your utmoſt influence to defeat this flagitious attempt to diſturb the public peace, by prevailing upon the aſſembly of your province to take no notice of it, which will be treating it with the contempt it deſerves.

The repeated proofs which have been given by the aſſembly of Rhode-Iſland of their reverence and reſpect for the laws, and of their faithful attachments to the conſtitution, leave little room in his Majeſty's breaſt to doubt of their ſhewing a proper reſentment of this unjuſtifiable attempt to revive thoſe diſtractions which have operated ſo fatally to the prejudice of this kingdom and the colonies: and accordingly his Majeſty has the fulleſt confidence in their affection, and expects they will give him the ſtrongeſt proofs of them on this and every other occaſion.

I am, with great truth and regard, Gentlemen, your moſt obedient humble ſervant,

HILLSBOROUGH.

*In the Providence Gazette, July 9, was publiſhed the following Letter to the Printer from Roger Martyn, Eſq;*

IF the deſign of the Earl of Hillſborough's letter, of the 21ſt of April laſt, to the colony of Rhode-Iſland, was to detach and divert them from uniting with the continent, in all legal endeavours, for a removal of general grievances, he hath miſſed of his aim. This colony is but the more confirmed of the neceſſity of a general union, when the oppreſſion is common. This I think I may ſay, after having heard no one, even during the Seſſion of Aſſembly in which that letter was read, expreſs the leaſt cenſure of the colony of the Maſſachuſett's-Bay, for writing the circular letter complained of; but, on the contrary, that proceeding is univerſally approved of. If it be the privilege of every ſubject to petition to the King, it is undoubtedly the right of a whole country to unite in a ſupplication for redreſs of grievances, which equally affect them all. This colony have adopted the meaſures recommended to them by their brethren of the Maſſachuſett's-Bay, and a committee hath been appointed to prepare a draft of a petition on the ſubject recommended, who will ſoon report to the Aſſembly, notwithſtanding the Earl's letter; and there cannot be the leaſt

doubt, but that ſuch petition will be forwarded as ſoon as may be, as at the time when his ſurprizing letter was received, the aſſembly were addreſſed by the Speaker of the Houſe of Burgeſſes in Virginia, on the ſubject contained in the circular letter from Boſton, wherein the ſentiments of that ancient and reſpectable government appear to coincide with thoſe of the Maſſachuſett's-Bay, to which addreſs the Houſe directed their Speaker to ſend an anſwer, and ſignify their full approbation of the ſentiments therein contained, and to aſſure him, that meaſures ſimilar to thoſe taken in that dominion ſhould be purſued. And I am authorized to ſay, that an anſwer from our Houſe of Commons, in this colony, to the letter from Boſton, would have been ſent, and made public, had it not been for the intervention of ſome ſpecial buſineſs, which engroſſed the attention of the Houſe ſo much, during their ſeſſion of three or four days continuance, that they omitted to give any particular direction to their Speaker in that behalf, many of the Houſe ſuppoſing he would have written an anſwer *ex officio*, as the Houſe had entered into the meaſures recommended.

Upon a re-examination of the circular letter from the Maſſachuſett's-Bay (with all due ſubmiſſion to the ſagacity of his Lordſhip) nobody amongſt us can diſcover any dangerous or factious tendency therein, or conceive it to be calculated to inflame the minds of the King's ſubjects in the colonies, or to promote any unwarrantable combinations, or to ſubvert any principles of the conſtitution: we rather think it a meaſure of the higheſt expediency—that the principles therein held forth are right, and in which all the colonies on the continent are unanimous in ſentiment. A receſſion of one jot from the principles contained in that letter, would be dangerous to the general ſafety: and from the reception it hath met with, we hope that the colony of the Maſſachuſett's-Bay will have the fortitude to endure all extremities, rather than reſcind any reſolutions that gave birth to it.

One would think, that a joint ſupplication would meet with a more gracious reception than ſeparate and different prayers. In public and joint worſhip of the ſupreme being a ſpecial promiſe of bleſſing is annexed. Is it not very ſtrange, then, that the miniſter ſhould attempt to make us believe, that the recommendation from the principal government to the ſeveral legiſlatures in this remote part of the world, to join in beſeeching our gracious ſovereign to conſider

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and remove our griefs, is dangerous or factious? He might as well perſuade us, that in a time of peſtilence or famine, an united ſupplication to heaven to remove the calamity was an unwarrantable combination.

Unleſs the colonies are for tamely yielding up every valuable privilege, the miniſter ought to be plainly told, that let his ſingle opinion be what it may, they ſo far underſtand their own liberties, that they will at all times, when they ſee fit, confer together, and correſpond about their joint concernments, without aſking his leave, and that they have a lawful right ſo to do.

If our petitions are prevented from reaching the royal ear —if the moſt dutiful ſupplications are called unwarrantable combinations—and, in fine, if legiſlation in this country is ſuſpended, becauſe we decently declare our rights, and pray for a continuance of them, of what uſe are agents at the court of Great-Britain? if I might adviſe in this matter, I would propoſe a general revocation of their powers, and a diſcontinuance of any further commerce or buſineſs with the inhabitants of a country, who, being only fellow-ſubjects, would tyrannize over us.

*Colony of Rhode-Iſland,* ROGER MARTYN.
*July* 5, 1768.

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*A Memorial in behalf of the Inhabitants of Boſton.*

*Sheweth,*

THAT they bear the ſame ſentiments of loyalty and duty towards our gracious King; and the ſame reverence for the great council of the nation, the Britiſh Parliament, as ever; and therefore are not willing their conduct ſhould appear in an odious light to the miniſtry. The principal occaſion of the late tumults aroſe from the haughty conduct of the commiſſioners, and other officers appointed by them.—The Romney man of war, having moored before the town, intimidated the coaſting veſſels bringing proviſions, firewood, &c. committed many acts of violence and outrage; and in particular, by cutting away a veſſel from Mr. Hancock's Wharf, detaining her ſeveral days, without any legal proceſs being filed againſt her, &c. This irritated the people; who patrolled the ſtreets in a tumultuous manner, broke ſeveral windows to the value of about 5l. ſterling, burnt a pleaſure boat belonging to the collector, and then diſperſed at about

11 o'clock at night.—All which will more fully appear by twelve affidavits, of different perſons, who were eye-witneſſes of the proceedings, hereunto annexed.—Three days after this, the commiſſioners made a voluntary abdication of their office, and went on board the Romney man of war. And from all the affidavits it does appear, that the cauſe of ſuch tumult was entirely from the impudent and violent proceedings of the officers, particularly from the maſter of the Romney, who frequently ordered the marines to fire, and abuſed every body who adviſed a cooler conduct.

*The above Memorial was preſented to Adminiſtration with the twelve Affidavits, (immediately upon hearing the Reports which were ſo prejudicial to the Town) by Dennis De Berdt, Eſq; Agent for the Aſſembly.*

SIR, *Boſton, July* 13, 1768.

It is very ſurpriſing to people here, that the circular letter, tranſmitted from this government to the other colonies, could be repreſented and conſidered by the miniſtry in ſo odious a light as it appears it has been, by the late letter from the Earl of Hillſborough. It is amazing, that a meaſure ſo innocent, ſo prudent, and that had ſuch a tendency to quiet the minds of the people, ſhould be ſo miſconſtrued. However, it ſeems the letter from the Earl of Hillſborough, reſpecting this affair, has had quite a different effect from what was deſigned and expected: inſtead of preventing the colonies from uniting in their applications to the throne for relief, it has ſerved to make them more ſolicitous than ever of an union in ſentiment and meaſures. This you will perceive, upon peruſing the incloſed news paper, where you will find what has been done by the Houſe of Delegates at Maryland. The colony of Rhode Iſland has immediately upon the reception of the letter abovementioned, prepared an addreſs to his Majeſty, which will ſoon be forwarded. Many of the other colonies have alſo forwarded their petitions and repreſentations. The people through the continent are greatly alarmed, and will never be eaſy till the late acts are repealed, and things return to their old courſe. The merchants find they cannot vend your manufactures, the country people are ſo diſguſted, and are determined not to continue their importations of Engliſh goods. We have now in the harbour five or ſix veſſels of war, and are threatened with troops. If they ſhould be ſent here to

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enforce acts of Parliament, God only knows what will be the event. This we are ſure of, that be the number of the troops ever ſo great, they cannot force us either to import, buy, or conſume Engliſh goods. The mercantile intereſt on your ſide of the water is, and will be, greatly affected by theſe meaſures. It behoves them to beſtir themſelves upon this occaſion, if they deſign to preſerve their trade. It is the opinion of men of diſcernment and good judgment, that the people through the continent are much more alarmed at the late acts, than they were at the ſtamp-act; and it would be vaſtly more difficult to reconcile the people to them. God grant that the union between the mother country and the colonies may not be interrupted; and that thoſe at the helm may be endowed with all that wiſdom which may be needful to direct at ſuch a critical day! I doubt not your good wiſhes for America.

Your moſt humble Servant,

*To Dennis de Berdt, Eſq;* T. CUSHING.

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*An addreſs read at a numerous meeting of the Merchants in Philadelphia on the 25th of April, 1768.*

*(Written by Mr. Dickenſon, author of the Farmer's Letters.)*

*Gentlemen, Friends, and Fellow Citizens,*

You are called together to give your advice and opinion, what anſwer ſhall be returned to our brethren of Boſton and New-York, who deſire to know whether we will unite with them, in ſtopping the importation of goods from Great Britain, until certain acts of Parliament are repealed, which are thought to be injurious to our rights, as freemen and Britiſh ſubjects.

Before you come to any reſolution, it may be neceſſary to explain the matter more fully.

When our forefathers came into this country, they conſidered themſelves as freemen, and that their coming and ſettling theſe colonies did not diveſt them of any of the rights inherent in freemen; that, therefore, what they poſſeſſed, and what they or their poſterity ſhould acquire, was and would be ſo much their own, that no power on earth could lawfully, or of right, deprive them of it without their conſent. The governments, which they, with the conſent of the crown, eſtabliſhed in the reſpective colonies, they conſidered as political governments, where (as Mr.

Locke expreſſes it) men have property in their own diſpoſal." And therefore, (according to the concluſion drawn by the ſame author in another place) "No taxes ought or could be raiſed on their property without their conſent given by themſelves or their deputies," or choſen repreſentatives.

As they were members of one great empire, united under one head or crown, they tacitly acquieſced in the ſuperintending authority of the Parliament of Great Britain, and admitted a power in it, to make regulations to preſerve the connection of the whole entire. Though under colour of this, ſundry regulations were made that bore hard on the colonies; yet, with filial reſpect and regard for Britain their mother country, the colonies ſubmitted to them.

It will be ſufficient here juſt to enumerate ſome of the moſt grievous.

1. The law againſt making ſteel, or erecting ſteel furnaces, though there are not above five or ſix perſons in England engaged in that branch of buſineſs, who are ſo far from being able to ſupply what is wanted, that great quantities of ſteel are yearly imported from Germany.

2. Againſt plating and ſlitting mills and tilt hammers; though iron is the produce of our country, and from our manner of building, planting, and living, we are under a neceſſity of uſing vaſt quantities of nails and plated iron, as hoes, ſtove-pipes, plates, &c. all which are loaded with double freight, commiſſions, &c.

3. The reſtraint laid on hatters, and the prohibition of exporting hats.

4. The prohibition of carrying wool or any kind of woollen goods manufactured here, from one colony to another. A ſingle fleece of wool or a dozen of home-made hoſe carried from one colony to another is not only forfeited, but ſubjects the veſſel, if conveyed by water, or the waggon and horſes, if carried by land, to a ſeizure, and the owner to a heavy fine.

5. Though the Spaniards may cut and carry logwood directly to what market they pleaſe, yet the Americans cannot ſend to any foreign market, even what the demand in England cannot take off, without firſt carrying it to ſome Britiſh port, and there landing and reſhipping it at a great expence and loſs of time.

6. Obliging us to carry Portugal and Spaniſh wines, fruit, &c. to England, there to unload, pay a heavy duty and reſhip

ſhip them, thus ſubjecting us to a great expence, and our veſſels to an unneceſſary voyage of 1000 miles in a dangerous ſea.

7. Impoſing a duty on Madeira wines, which, if re-ſhipped to England are ſubjected to the payment of the full duties there without any drawback for what was paid here.

8. The emptying their jails upon us, and making the colonies a receptacle for their rogues and villains; an inſult and indignity not to be thought of, much leſs borne without indignation and reſentment.

Not to mention the reſtrictions attempted in the fiſheries, the duties laid on foreign ſugar, molaſſes, &c. I will juſt mention the neceſſity they have laid us under of ſupplying ourſelves wholly from Great Britain with European and Eaſt-India goods at an advance of 20, and as to ſome articles, even of 40 per cent. higher than we might be ſupplied with them from other places.

But as if all theſe were not enough, a party has lately ariſen in England, who, under colour of the ſuperintending authority of parliament, are labouring to erect a new ſovereignty over the colonies, with power inconſiſtent with liberty or freedom.

The firſt exertion of this power was diſplayed in the odious Stamp-Act. As the authors and promoters of this act were ſenſible of the oppoſition it muſt neceſſarily meet with, from men, who had the leaſt ſpark of liberty remaining, they accompanied it with a bill ſtill more odious, wherein they attempted to empower officers to quarter ſoldiers on private houſes, with a view no doubt, to dragoon us into a compliance with the former act.

By the interpoſition of the American agents, and of the London merchants who traded to the colonies, this clauſe was dropt, but the act was carried, wherein the aſſemblies of the reſpective colonies were ordered, at the expence of the ſeveral provinces, to furniſh the troops with a number of articles, ſome of them never allowed in Britain. Beſides, a power is therein granted to every officer, upon obtaining a warrant from any juſtice, (which warrant the Juſtice is thereby empowered and ordered to grant, without any previous oath) to break into any houſe by day or by night, under pretence (theſe are the words of the act) of ſearching for deſerters.

By the ſpirited oppoſition of the colonies, the firſt act was repealed: but the latter continued, which, in its ſpirit, differs

fers nothing from the other. For thereby the liberties of the colonies is invaded, and their property diſpoſed of without their conſent, no leſs than by the Stamp-Act. It was rather the more dangerous of the two, as the appearance of the conſtitution was preſerved while the ſpirit of it was deſtroyed, and thus a tyranny introduced under the form of liberty. The aſſemblies were not at liberty to refuſe their aſſent, but were to be forced to a literal compliance with the act. Thus, becauſe the aſſembly of New-York heſitated to comply, their legiſlative power was immediately ſuſpended by another act of parliament.

That the repeal of the Stamp-act might not invalidate the the claims of ſovereignty now ſet up, an act was paſſed, aſſerting the power of Parliament to bind us with their laws in every reſpect whatever. And to aſcertain the extent of this power, in the very next ſeſſion they proceeded to a direct taxation; and in the very words in which they diſpoſe of their own property, they gave and granted that of the coloniſts, impoſing duties on paper, glaſs, &c. imported into America, to be paid by the coloniſts for the purpoſe of raiſing a revenue.

This revenue, when raiſed, they ordered to be diſpoſed of in ſuch a manner as to render our aſſemblies or legiſlative bodies altogether uſeleſs, and to make Governors and Judges, who hold their commiſſions during pleaſure, and the whole executive powers of government, nay, the defence of the country, independent of the people, as has been fully explained in the Farmer's Letters.

Thus with a conſiſtency of conduct having diveſted us of property, they are proceeding to erect over us a deſpotic government, and to rule us as ſlaves. For "a deſpotical power, ſays Mr. Locke, is ſuch as have no property at all." If, indeed, to be ſubject in our lives and property to the arbitrary will of others, whom we have never choſen, nor ever entruſted with ſuch power, be not ſlavery, I wiſh any perſon would tell me what ſlavery is.

Such then being the ſtate of the caſe, you are now, my fellow-citizens, to deliberate, not, whether you will tamely ſubmit to this ſyſtem of government.—That I am ſure your love of freedom and regard to yourſelves and your poſterity will never ſuffer you to think of—But by what means you may defend your rights and liberties, and obtain a repeal of theſe acts.

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In England, when the prerogative has been ſtrained too high, or the people oppreſſed by the executive power, the Parliament, who are the guardians and protectors of the people's liberties, always petition for redreſs of grievances, and enforce their petitions, by with-holding ſupplies until they are granted.

Our aſſembly, I am told, has applied for relief from theſe acts of parliament. But having nothing left to give, they could not enforce their application, by with-holding any thing.

It is, however, in our power, in a peaceable and conſtitutional way, to add weight to the remonſtrance and petition of our repreſentatives, by ſtopping the importation of goods from Britain, until we obtain relief and redreſs by a repeal of theſe unconſtitutional acts.

But this, it may be ſaid, is ſubjecting ourſelves to preſent loſs and inconvenience.

I would beg leave to aſk, whether any people in any age or country ever defended and preſerved their liberty from the encroachments of power, without ſuffering preſent inconveniencies. The Roman people ſuffered themſelves to be defeated by their enemies, rather than ſubmit to the tyranny of the nobles. And even in the midſt of war, the Parliament of England has denied to grant ſupplies, until their grievances were redreſſed; well knowing that no preſent loſs, ſuffering, or inconvenience, could equal that of tyranny or the loſs of public liberty. To cite an example, which our own country furniſhes; you all remember that in the height of the late terrible Indian war, our aſſembly and that of Maryland choſe rather to let the country ſuffer great inconvenience, than immediately grant ſupplies on terms injurious to the public privilege and to juſtice.

As then we cannot enjoy liberty without property, both in our lives and eſtates; as we can have no property in that which another may of right take and diſpoſe of as he pleaſes, without our conſent; and as the late acts of parliament aſſert this right to be in them, we cannot enjoy freedom until this claim is given up, and until acts made in conſequence of it be repealed. For ſo long as theſe acts continue, and the claim is kept up, our property is at their diſpoſal, and our lives at their mercy.

To conclude, as liberty is the great and only ſecurity of property; as the ſecurity of property is the chief ſpur to induſtry,

induſtry, (it being vain to acquire what we have not a proſpect to enjoy) and as the ſtopping the importation of goods is the only probable means of preſerving to us and our poſterity this liberty and ſecurity, I hope, my brethren, there is not a man among us, who will not cheerfully join in the meaſure propoſed, and, with our brethren of Boſton and New-York, freely forego a preſent advantage, nay, even ſubmit to a preſent inconvenience for the ſake of liberty, on which our happineſs, lives, and properties depend. Let us never forget that our ſtrength depends on our union; and our liberty on our ſtrength.

"*United we conquer, divided we die.*"

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*The following Paper was publiſhed in London, about the beginning of the Year* 1768. *By Dr.* BENJAMIN FRANKLIN.

*The waves never riſe but when the winds blow.* PROV.

AS the cauſe of the preſent ill humour in America, and of the reſolutions taken there to purchaſe leſs of our manufactures, does not ſeem to be generally underſtood, it may afford ſome ſatisfaction to our readers, if you give them the following ſhort hiſtorical ſtate of facts.

From the time that the colonies were firſt conſidered as capable of granting aids to the crown, down to the end of the laſt war, it is ſaid, that the conſtant mode of obtaining thoſe aids was, by *requiſition* made from the crown, through its governors to the ſeveral aſſemblies, in circular letters from the Secretary of State in his Majeſty's name, ſetting forth the occaſion, requiring them to take the matter into conſideration, and expreſſing a reliance to their prudence, duty and affection to his Majeſty's government, that they would grant ſums, or raiſe ſuch numbers of men, as were ſuitable to their reſpective circumſtances.

The colonies being accuſtomed to this method, have from time to time granted money to the crown, or raiſed troops for its ſervice, in proportion to their abilities; and during all the laſt war beyond their abilities, ſo that conſiderable ſums were return'd them yearly by Parliament, as they had exceeded their proportion.

Had this happy method of requiſition been continued, (a method that left the King's ſubjects in thoſe remote countries the pleaſure of ſhewing their zeal and loyalty, and of imagining

imagining that they recommend themſelves to their ſovereign by the liberality of their voluntary grants) there is no doubt, but all the money that could be reaſonably expected to be raiſed from them in any manner, might have been obtained, without the leaſt heart-burning, offence, or breach of the harmony, of affections and intereſts, that ſo long ſubſiſted between the two countries.

It has been thought wiſdom in a government exerciſing ſovereignty over different kinds of people, to have ſome regard to prevailing and eſtabliſhed opinions among the people to be governed, wherever ſuch opinions might in their effects obſtruct or promote public meaſures. If they tend to obſtruct public ſervice, they are to be changed, if poſſible, before we attempt to act againſt them; and they can only be changed by reaſon and perſuaſion. But if public buſineſs can be carried on without thwarting thoſe opinions, if they can be, on the contrary, made ſubſervient to it, they are not unneceſſarily to be thwarted, how abſurd ſoever ſuch popular opinions may be in their natures.—This had been the wiſdom of our government with reſpect to raiſing money in the colonies. It was well known, that the coloniſts univerſally were of opinion, that no money could be levied from Engliſh ſubjects, but by their own conſent given by themſelves or their choſen repreſentatives: that therefore whatever money was to be raiſed from the people in the colonies, muſt firſt be granted by their Aſſemblies, as the money raiſed in Britain is firſt to be granted by the Houſe of Commons: that this right of granting their own money, was eſſential to Engliſh liberty; and that if any man, or body of men, in which they had no repreſentative of their chuſing, could tax them at pleaſure, they could not be ſaid to have any property, any thing they could call their own. But as theſe opinions did not hinder their granting money voluntarily and amply whenever the crown by its ſervants came into their Aſſemblies (as it does into its Parliaments of Britain or Ireland) and demanded aids; therefore that method was choſen rather than the hateful one of arbitrary taxes.

I do not undertake here to ſupport theſe opinions of the Americans; they have been refuted by a late act of Parliament, declaring its own power;—which very Parliament, however, ſhew'd wiſely ſo much tender regard to thoſe inveterate prejudices, as to repeal a tax that had militated againſt them. And thoſe prejudices are ſtill ſo fixed and root-

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ed in the Americans, that, it has been ſuppoſed, not a ſingle man among them has been convinced of his error, even by that act of Parliament.

The perſon then who firſt projected to lay aſide the accuſtomed method of requiſition, aud to raiſe money on America by ſtamps, ſeems not to have acted wiſely, in deviating from that method (which the coloniſts looked upon as conſtitutional) and thwarting unneceſſarily the fixed prejudices of ſo great a number of the King's ſubjects.—It was not, however, for want of knowledge that what he was about to do would give them great offence; he appears to have been very ſenſible of this, and apprehenſive that it might occaſion ſome diſorders, to prevent or ſuppreſs which, he projected another Bill, that was brought in the ſame ſeſſion with the ſtamp-act, whereby it was to be made lawful for military officers in the colonies to quarter their ſoldiers in private houſes. This ſeem'd intended to awe the people into a compliance with the other act. Great oppoſition however being raiſed here againſt the bill by the agents from the colonies, and the merchants trading thither, the coloniſts declaring, that under ſuch a power in the army, no one could look on his houſe as his own, or think he had a home, when ſoldiers might be thruſt into it and mixed with his family at the pleaſure of an officer, that part of the bill was dropt;—but there ſtill remained a clauſe, when it paſſed into a law, to oblige the ſeveral aſſemblies to provide quarters for the ſoldiers, furniſhing them with firing, bedding, candles, ſmall beer or rum, and ſundry other articles, at the expence of the ſeveral provinces. And this act continued in force when the Stamp-Act was repealed, though if obligatory on the aſſemblies, it equally militated againſt the American principle above-mentioned, *that money is not to be raiſed on Engliſh ſubjects without their conſent.*

The colonies nevertheleſs being put into high good humour by the repeal of the Stamp-Act, choſe to avoid a freſh diſpute upon the other, it being temporary and ſoon to expire, never, as they hoped, to revive again; and in the mean time they, by various ways in different colonies, provided for the quartering of the troops, either by acts of their own aſſemblies, without taking notice of the act of parliament, or by ſome variety or ſmall diminution, as of ſalt and vinegar, in the ſupplies required by the act, that what they did might appear a voluntary act of their own, and not

not done in obedience to an act of parliament, which, according to their ideas of their rights, they thought hard to obey.

It might have been well if the matter had thus paſſed without notice; but a Governor having written home an angry and aggravating letter upon this conduct in the aſſembly of his province, the outed Premier of the Stamp-Act and his adherents, then in the oppoſition, raiſed ſuch a clamour againſt America, as being in rebellion, and againſt thoſe who had been for the repeal of the Stamp-Act, as having thereby been encouragers of this ſuppoſed rebellion, that it was thought neceſſary to inforce the quartering act by another act of parliament, taking away from the province of New-York, which had been the moſt explicit in its refuſal, all the powers of legiſlation, till it ſhould have complied with that act. The news of which greatly alarmed the people every where in America, as (it has been ſaid) the language of ſuch an act ſeemed to them to be, *Obey implicitely laws made by the Parliament of Great-Britain to raiſe money on you without your conſent, or you ſhall enjoy no rights or privileges at all.*

At the ſame time a perſon lately in high office, projected the levying more money from America, by new duties on various articles of our own manufacture, as glaſs, paper, painters colours, &c. appointing a new Board of Cuſtoms, and ſending over a ſet of Commiſſioners, with large ſalaries, to be eſtabliſhed at Boſton, who were to have the care of collecting thoſe duties; which were by the act expreſsly mentioned to be intended for the payment of the ſalaries of Governors, Judges, and other Officers of the crown in America: it being a pretty general opinion here, that thoſe officers ought not to depend on the people there for any part of their ſupport.

It is not my intention to combat this opinion. But perhaps it may be ſome ſatisfaction to your readers, to know what ideas the Americans have on the ſubject. They ſay then, as to Governors, that they are not like Princes whoſe poſterity have an inheritance in the government of a nation, and therefore an intereſt in its proſperity; they are generally ſtrangers to the provinces, they are ſent to govern, have no eſtate, natural connection, or relation there, to give them an affection for the country;—that they come only to make money

money as faſt as they can; are ſometimes men of vicious characters and broken fortunes, ſent by a miniſter merely to get them out of the way: that as they intend ſtaying in the country no longer than their government continues, and purpoſe to leave no family behind them, they are apt to be regardleſs of the goodwill of the people, and care not what is ſaid or thought of them after they are gone. Their ſituation at the ſame time gives them many opportunities of being vexatious, and they are often ſo notwithſtanding their dependance on the aſſemblies for all that part of their ſupport that does not ariſe from fees eſtabliſhed by law; but would probably be much more ſo, if they were to be ſupported by money drawn from the people without their conſent or good will, which is the profeſſed deſign of this new act. That, if by means of theſe forced duties, government is to be ſupported in America, without the intention of the aſſemblies, their aſſemblies will ſoon be looked upon as uſeleſs, and a governor will not call them, as having nothing to hope from their meeting, and perhaps ſomething to fear from their enquiries into and remonſtrances againſt his mal-adminiſtration. That thus the people will be deprived of their moſt eſſential rights. That it being, as at preſent, a governor's intereſt to cultivate the good will, by promoting the welfare of the people he governs, can be attended with no prejudice to the mother-country, ſince all the laws he may be prevailed on to give his aſſent to are ſubject to reviſion here, and if reported againſt by the Board of Trade, are immediately repealed by the crown; nor dare he paſs any law contrary to his inſtructions, as he holds his office during the pleaſure of the crown, and his ſecurities are liable for the penalties of their bonds if he contravenes thoſe inſtructions. This is what they ſay as to *Governors*. As to *Judges* they alledge, that being appointed from hence, and holding their commiſſions *not* during *good behaviour*, as in Britain, but during *pleaſure*, all the weight of intereſt or influence would be thrown into one of the ſcales, (which ought to be held even) if the ſalaries are alſo to be paid out of duties raiſed upon the people without their conſent, and independent of their Aſſemblies approbation or diſapprobation of the judges behaviour. That it is true, judges ſhould be free from all influence; and therefore, whenever government here will grant commiſſions to able and honeſt judges during good behaviour, the Aſſemblies will ſettle permanent and ample ſalaries on them

them during their commiſſions: but, at preſent, they have no other means of getting rid of an ignorant or unjuſt judge (and ſome of ſcandalous characters have, they ſay, been ſometimes ſent them) but by ſtarving him out.

I do not ſuppoſe theſe reaſonings of theirs will appear here to have much weight. I do not produce them with an expectation of convincing your readers. I relate them merely in purſuance of the taſk I have impoſed on myſelf, to be an impartial hiſtorian of American facts and opinions.

The coloniſts being thus greatly alarmed, as I ſaid before, by the news of the act for aboliſhing the legiſlature of New-York, and the impoſition of theſe new duties profeſſedly for ſuch diſagreeable purpoſes; (accompanied by a new ſet of revenue officers with large appointments, which gave ſtrong ſuſpicions that more buſineſs of the ſame kind was ſoon to be provided for them, that they might earn their ſalaries;) began ſeriouſly to conſider their ſituation, and to revolve afreſh in their minds grievances which from their reſpect and love for this country, they had long borne and ſeemed almoſt willing to forget. They reflected how lightly the intereſt of all America had been eſtimated here, when the intereſt of a few inhabitants of Great-Britain happened to have the ſmalleſt competition with it. That thus the whole American people were forbidden the advantage of a direct importation of wine, oil, and fruit, from Portugal, but muſt take them loaded with all the expences of a voyage 1000 leagues round about, being to be landed firſt in England to be reſhipped for America; expences amounting, in war time, at leaſt 30 per cent. more than otherwiſe they would have been charged with, and all this merely, that a few Portugal merchants in London may gain a commiſſion on thoſe goods paſſing through their hands. Portugal merchants, by the bye, that can complain loudly of the ſmalleſt hardſhips laid on their trade by *foreigners*, and yet even the laſt year could oppoſe with all their influence the giving eaſe to their *fellow-ſubjects* labouring under ſo heavy an oppreſſion!—That on a ſlight complaint of a few Virginia merchants, nine colonies have been reſtrained for making paper money, become abſolutely neceſſary to their internal commerce, from the conſtant remittance of their gold and ſilver to Britain.—But not only the intereſt of a particular body of merchants, the intereſt of any ſmall body of Britiſh tradeſmen or artificers, has been found, they ſay, to outweigh that of all the King's

ſubjects in the colonies. There cannot be a ſtronger natural right, than that of a man's making the beſt profit he can of the natural produce of his lands, provided he does not thereby hurt the ſtate in general. Iron is to be found every where in America, and beaver furs are the natural produce of that country: hats, and nails, and ſteel, are wanted there as well as here. It is of no importance to the commom welfare of the empire, whether a ſubject of the King's get his living by making hats in this or that ſide of the water. Yet the hatters of England have prevailed to obtain an act in their own favour, reſtraining that manufacture in America, in order to oblige the Americans to ſend their beaver to England to be manufactured, and purchaſe back the hats, loaded with the charges of a double tranſportation. In the ſame manner have a few nail-makers (perhaps there are not half a dozen of them in England) prevailed totally to forbid by an act of parliament the erecting of ſlitting-mills, or ſteel-furnaces in America, that the Americans may be obliged to take all the nails for their buildings, and ſteel for their tools, from theſe artificers, under the ſame diſadvantages.

Added to theſe, the Americans remembered the act authorizing the moſt cruel inſult that perhaps was ever offered by one people to another, that of emptying our gaols into their ſettlements; Scotland too having within theſe two years obtained the privilege it had not before, of ſending its rogues and villains alſo to the plantations. I ſay, reflecting on theſe things, they ſaid to one another (their news papers are full of ſuch diſcourſes) theſe people are not content with making a monopoly of us, forbidding us to trade with another country of Europe, and compelling us to buy every thing of them, though in many articles we could furniſh ourſelves 10, 20, and even to 50 per cent. cheaper elſewhere; but now they have as good as declared they have a right to tax us *ad libitum* internally and externally, and that our conſtitutions and liberties ſhall all be taken away, if we do not ſubmit to that claim. They are not content with the high prices at which they ſell us their goods, but have now begun to enhance thoſe prices by new duties; and by the expenſive apparatus of a new ſet of officers, appear to intend an augmentation and multiplication of thoſe burdens that ſhall be ſtill more grievous to us. Our people have been fooliſhly fond of their ſuperfluous modes and manufactures, to the impoveriſhing our country, carrying off all our caſh,

and

and loading us with debt; they will not ſuffer us to reſtrain the luxury of our inhabitants as they do that of their own, by laws: they can make laws to diſcourage or prohibit the importation of French ſuperfluities: but though thoſe of England are as ruinous to us as the French ones are to them, if we make a law of that kind, they immediately repeal it. Thus they get all our money from us by trade, and every profit we can any where make by our fiſheries, our produce, or our commerce, centers finally with them; but this does not ſignify. It is time then to take care of ourſelves by the beſt means in our power. Let us unite in ſolemn reſolutions and engagements with and to each other, that we will give theſe new officers as little trouble as poſſible, by not conſuming the Britiſh manufactures on which they are to levy the duties. Let us agree to conſume no more of their expenſive gewgaws. Let us live frugally, and let us induſtriouſly manufacture what we can for ourſelves: thus we ſhall be able honourably to diſcharge the debts we already owe them, and after that, we may be able to keep ſome money in our own country, not only for the uſes of our internal commerce, but for the ſervice of our gracious Sovereign, whenever he ſhall have occaſion for it, and think proper to require it of us in the old conſtitutional manner. For notwithſtanding the reproaches thrown out againſt us in their public papers and pamphlets, notwithſtanding we have been reviled in their ſenate as rebels and traitors, we are truly a loyal people. Scotland has had its rebellions, and England its plots againſt the preſent Royal Family; but America is untainted with thoſe crimes; there is in it ſcarce a man, there is not a ſingle native of our country, who is not firmly attached to his King by principle and by affection. But a new kind of loyalty ſeems to be required of us, a loyalty to Parliament; a loyalty, that is to extend, it is ſaid, to a ſurrender of all our properties, whenever a Houſe of Commons, in which there is not a ſingle member of our chuſing, ſhall think fit to grant them away without our conſent; and to a patient ſuffering the loſs of our privileges as Engliſhmen, if we cannot ſubmit to make ſuch ſurrender. We were ſeparated too far from Britain by the ocean, but we were united to it by reſpect and love, ſo that we could at any time freely have ſpent our lives and little fortunes in its cauſe: but this unhappy new ſyſtem of politics tends to diſſolve thoſe bands of union, and to ſever us for ever.

Theſe are the wild ravings of the at preſent half diſtracted Americans. To be ſure, no reaſonable man in England can approve of ſuch ſentiments, and, as I ſaid before, I do not pretend to ſupport or juſtify them: but I ſincerely wiſh, for the ſake of the manufactures and commerce of Great Britain, and for the ſake of the ſtrength which a firm union with our growing colonies would give us, that theſe people had never been thus needleſsly driven out of their ſenſes.

F. S.

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*The Report of the Lords Committees, appointed by the Houſe of Lords to enquire into the ſeveral proceedings in the Colony of Maſſachuſett's-Bay, in oppoſition to the Sovereignty of his Majeſty, in his Parliament of Great Britain, over that Province; and alſo what hath paſſed in this Houſe relative thereto, from the 1ſt day of Jan.* 1764.

*Die Mercurii,* 20 *Aprilis,* 1764.

THE Earl of Buckinghamſhire reported from the Lords Committees, appointed to enquire into the ſeveral proceedings in the Colony of Maſſachuſett's-Bay, in oppoſition to the ſovereignty of his Majeſty, in his Parliament of Great Britain, over that Province, and alſo what hath paſſed in this Houſe relative thereto, from the firſt day of January, 1764, as follows:

That, in obedience to your Lordſhip's commands, the committee have met, and taken into conſideration the matters to them referred; and having attentively read and conſidered the ſeveral papers which have been laid before the Houſe relative to the proceedings in the colony of the Maſſachuſett's-Bay, in oppoſition to the Sovereignty of his Majeſty, in his Parliament of Great Britain, over that province; and having alſo carefully inſpected the Journals of the Houſe, from the firſt day of January, 1764, to the preſent time; they find, that, on the ſecond day of April, 1764, a bill was brought up from the Commons to your Lordſhips, intitled, 'An act for granting certain duties in the Britiſh co-'lonies and plantations in America, for continuing, and a-'mending, and making perpetual, an act paſſed in the ſixth 'year of the reign of his late Majeſty King George the Se-'cond, (intitled, An act for the better ſecuring and encou-'raging the trade of his Majeſty's ſugar colonies in America;

'for

'for applying the produce of ſuch duties, and of the duties 'to ariſe by virtue of the ſaid act, towards defraying the 'expences of defending, protecting, and ſecuring, the ſaid 'colonies and plantations; for explaining an act made in the 'twenty-fifth year of the reign of King Charles the Second, 'intitled, An act for the encouragement of the Greenland 'and Eaſtland trades, and for the better ſecuring the Planta-'tion trade;) and for altering and diſallowing ſeveral draw-'backs on exports from this kingdom, and more effectual-'ly preventing the clandeſtine conveyance of goods to and 'from the ſaid colonies and plantations, and improving, 'and ſecuring the trade between the ſame and Great Bri-'tain.'

That thit Bill paſſed the Houſe on the fourth of April, and received the royal aſſent on the following day.

The committee having peruſed the report of the Board of Trade, of the eleventh day of December, 1764, and the papers laid before his Majeſty therewith; find, in the ſaid papers, the ſtrongeſt aſſertions, by the aſſembly of the Maſſachuſett's-Bay, of their ſole right to paſs laws, particularly of taxation, and of their reſolution to invite the other colonies to combine with them in meaſures to prevent the King, in his Parliament, from paſſing any ſuch laws; for inſtance, in a letter to Mr. Mauduit, then agent of the province, which was drawn up by a committee of the Houſe of Repreſentatives, and afterwards approved by the Houſe, they uſe the following expreſſions: 'The ſilence of the province ſhould 'have been imputed to any cauſe, even to deſpair, rather 'than be conſtrued into a tacit ceſſion of their rights, or 'an acknowledgement of a right in the Parliament of Great 'Britain, to impoſe duties and taxes upon a people who are 'not repreſented in the Houſe of Commons.' And, in the ſame letter, they avowed and authenticated the doctrines advanced in a certain pamphlet, intitled, 'The Rights of the Britiſh Colonies aſſerted and proved, written by James Otis, Eſq; which pamphlet, amongſt other things, ſays, 'That the impoſition of taxes, whether on trade, or on perſonal, fixed, or floating property, in the colonies, is abſolutely irreconcileable with the rights of the coloniſts, as Britiſh ſubjects, and as men.'

The committee find, that on the twenty-eighth day of February, 1765, a Bill was brought from the Commons, intitled, 'An act for granting and applying ſtamp duties,

'and other duties, in the Britiſh colonies and plantations in 'America, towards further defraying the expences of de-'fending, protecting, and ſecuring the ſame; and for 'amending ſuch parts of the ſeveral acts of Parliament re-'lating to the trade and revenues of the ſaid colonies and 'plantations, as direct the manner of determining and re-'covering the penalties and forfeitures therein mentioned.'

That the ſaid Bill received the royal aſſent on the 22d of the ſame month.

That, on the 17th day of December, his Majeſty declared, in his moſt gracious ſpeech from the throne, that the matters of importance which had lately occurred in ſome of his colonies in America were the principal cauſe of his Majeſty's aſſembling his Parliament ſooner than was uſual in times of peace.

It appears to the committee, from the votes of the Houſe of Repreſentatives of the colony of Maſſachuſett's-Bay, of the 6th of June 1765, that they came to a reſolution, that it was highly expedient there ſhould be a meeting as ſoon as might be of committees from the Houſes of Repreſentatives, or Burgeſſes, in the ſeveral colonies on the American continent, to conſult on their then preſent circumſtances, and the difficulties to which they were reduced by the operation of the late acts of Parliament, for levying duties on the colonies; and to conſider of a general addreſs to his Majeſty and the Parliament, to implore relief: and that letters ſhould be forthwith prepared and tranſmitted to the reſpective Speakers of the ſeveral aſſemblies, to invite them to accede to this propoſition; and further, that, on the 8th of June, they did actually elect three perſons to be their committees, and alſo voted 450*l.* to bear their expences.

Your committee find, in a letter from the Governor to the Lords Commiſſioners for Trade and Plantations, dated Auguſt 15th, 1765, an account of a violent riot at Boſton, in reſiſtance to a law paſſed by the legiſlature of Great-Britain, in which an attack was made upon Mr. Oliver, diſtributor of ſtamps, and carried to the length of pulling down and deſtroying his houſes, manifeſting a reſolution, if they could have found him, of putting him to death. Upon which occaſion the backwardneſs and indiſpoſition of the council, to ſupport the peace and good order of government, were very apparent. Alſo, in another letter from the Governor, dated Auguſt 31ſt, 1765, to the ſaid Board of Trade, they find that the mob attacked the houſe of Mr. Storey,

Storey, Regiſter of the Admiralty, which they demoliſhed; they alſo took all his books and papers, amongſt which were the records of the Court of Admiralty, and burnt them, and ſearched about for him, with an intent to murder him; they alſo pillaged the houſe of Mr. Hallowell, comptroller of the cuſtoms, but their moſt violent proceeding was againſt the Lieutenant Governor, whoſe houſe, plate, books, and manuſcripts, to a very great value, they totally deſtroyed. And, in this great extremity, the council being, as the governor obſerves, dependent upon the people, refuſed even to concur with him in his propoſition of giving notice to General Gage of the then ſituation of the town of Boſton.

It is remarkable that this commotion entirely aroſe out of the town of Boſton; for though it was given out, that many people out of the country were concerned in this affair, upon enquiry, it was found that ſuch perſons living out of Boſton, as were ſeen in the croud, were there merely as ſpectators.

In Governor Bernard's letter to the Board of Trade, October the twelfth, 1765, he ſays, 'That the real autho-'rity of the government is at an end; ſome of the principal 'ringleaders, in the late riots, walk the ſtreets with impu-'nity; no officers dare attack them, no Attorney-General 'proſecute them, no witneſs appear againſt them, and no 'judges ſit upon them.'

And during this general diſorder, the Governor thought it neceſſary for ſome companies of militia to be muſtered, with the unanimous advice of the council, but that the militia refuſed to obey his orders.

And we find, that ſo little attention was paid to an act of the Britiſh legiſlature, by the Council and Houſe of Repreſentatives, that they reſolved in a joint committee, on the twenty-fifth of October 1765, that it ſhould and might be lawful to do buſineſs without ſtamps, notwithſtanding the act of Parliament to the contrary.

On the fourteenth day of January, 1766, upon the meeting of the Parliament, after the receſs of Chriſtmas, his Majeſty was pleaſed to declare himſelf in a moſt gracious ſpeech from the throne, in the following terms:

*My Lords and Gentlemen,*

'When I met you laſt, I acquainted you, that matters of 'importance had happened in America, which would demand 'the moſt ſerious attention of Parliament.

'That no information which could ſerve to direct your 'deliberations in ſo intereſting a concern might be wanting, 'I have ordered all the papers that give any light into the 'origin, the progreſs, or the tendency, of the diſturbances, 'which have of late prevailed in ſome of the northern colo-'nies, to be immediately laid before you.

'No time has been loſt, on the firſt advice of theſe diſtur-'bances, to iſſue orders to the governors of my provinces, 'and to the commanders of my forces, in America, for the 'exertion of all the powers of government, in the ſuppreſſion 'of riots and tumults, and in the effectual ſupport of lawful 'authority.

'Whatever remains to be done on this occaſion, I com-'mit to your wiſdom; not doubting but your zeal for the 'honour of my crown, your attention to the juſt rights and 'authority of the Britiſh legiſlature, and your affection and 'concern for the welfare and proſperity of all my people, 'will guide you to ſuch ſound and prudent reſolutions, as 'may tend at once to preſerve thoſe conſtitutional rights 'over the colonies, and to reſtore to them that harmony and 'tranquility which have lately been interrupted by riots and 'diſorders of the moſt dangerous nature.'

In the moſt dutiful addreſs which was voted the ſame day, the Houſe aſſure his Majeſty of their hearty concurrence with his Majeſty's moſt ſalutary intentions; that they would exert their utmoſt endeavours to aſſert and ſupport his Majeſty's dignity and honour, and the legiſlative authority of this kingdom, over its colonies; and that they would take into their conſideration the moſt proper methods to provide for the reſtoration of the tranquility of thoſe colonies, which had been diſturbed by ſuch violent and dangerous commotions.

Upon the ſame day, all the papers relating to the informations and advices received from America, of the riots and tumults there, were laid before the Houſe.

More papers relating to America were laid before the Houſe, which, together with the other papers, were referred to a committee of the whole Houſe, for Tueſday the 28th.

More papers were laid before the Houſe the 27th of January, and referred to the ſaid committee.

The committee met, and, after ſeveral adjournments, on the 10th of February following, the Chairman reported ſeveral

ſeveral reſolutions, which were agreed to by the Houſe, as follows:

I. Reſolved, That the King's Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons of Great-Britain, in Parliament aſſembled, had, hath, and of right ought to have, full power and authority to make laws and ſtatutes, of ſufficient force and validity to bind the colonies and people of America, ſubjects of the crown of Great-Britain, in all caſes whatſoever.

II. Reſolved, That it appears to this committee, that tumults and inſurrections, of the moſt dangerous nature, have been raiſed and carried on in ſeveral of the North-American colonies, in open defiance of the power and dignity of his Majeſty's government, and in manifeſt violation of the laws and legiſlative authority of this kingdom.

III. Reſolved, That it appears to this committee, that the ſaid tumults and inſurrections have been encouraged and enflamed, by ſundry votes and reſolutions, paſſed in ſeveral of the aſſemblies of the ſaid provinces, derogatory to the honour of his Majeſty's government, and deſtructive of the legal and conſtitutional dependency of the ſaid colonies on the imperial crown and parliament of Great-Britain.

IV. Reſolved, That it is the opinion of this committee, that an humble addreſs be preſented to his Majeſty, to deſire that his Majeſty would be graciouſly pleaſed to give inſtructions to the governors of the ſeveral provinces, where the above-mentioned tumults and inſurrections have happened, That they ſhould, in his Majeſty's name require of the aſſemblies of the ſaid provinces, to make proper recompence to thoſe who have ſuffered in their perſons or properties, in conſequence of the aforeſaid tumults and inſurrections; and to aſſure his Majeſty, That this Houſe will, upon this, and all occaſions, ſupport the lawful authority of his crown, and the rights of Parliament.

V. Reſolved, That it is the opinion of this committee, That all his Majeſty's ſubjects reſiding in the ſaid colonies, who have manifeſted their deſire to comply with, or to aſſiſt in, carrying into execution the act for laying on Stamps, or any other act of parliament in the Britiſh colonies, in North America, have acted as dutiful and loyal ſubjects, and are therefore intitled to, and will aſſuredly have, the favour and protection of this Houſe.

Ordered,

Ordered, That an humble addreſs be preſented to his Majeſty, purſuant to the fourth reſolution.

On the 5th of March, a bill was brought from the Commons, intituled, 'An act for the better ſecuring the depen-'dency of his Majeſty's dominions in America upon the 'crown and parliament of Great-Britain.'

Which bill received the royal aſſent on the 18th of the ſame month.

And alſo a bill, intituled, 'An act to repeal an act, made 'in the laſt ſeſſion of parliament, intituled, An act for 'granting and ſupplying certain ſtamp duties and other 'duties in the Britiſh colonies and plantations in America, 'towards further defraying the expences, of defending, 'protecting, and ſecuring the ſame; and for amending ſuch 'parts of the ſeveral acts of parliament, relating to the 'trade and revenues of the ſaid colonies and plantations, as 'direct the manner of determining and recovering the penal-'ties and forfeitures therein mentioned.'

Which bill received the royal aſſent on the 18th of March.

Whilſt the bill for repealing the Stamp Act was under deliberation, petitions from the merchants of the city of Briſtol, from the merchants of Glaſgow, from Edward Montague, agent for the colony of Virginia, and from the merchants of the city of London, in favour of the ſaid repeal, were received and read.

On the 2d of June, a bill was brought from the Commons, intituled, 'An act for indemnifying perſons who have in-'curred certain penalties inflicted by an act of the laſt ſeſſion 'of parliament, for granting certain ſtamp duties in the 'Britiſh colonies and plantations in America; and for making 'valid all inſtruments executed or inrolled there on un-'ſtamped paper, vellum, or parchment.

Which bill received the royal aſſent the 6th of the ſame month.

It appears by a letter from Governor Bernard to the Earl of Shelburne, dated December the 24th, 1766, that the Governor, by advice of the council, ordered the mutiny act and three other acts, to be printed by the printer of the laws. In the interval of the adjournment of aſſembly, two companies of artillery being driven on ſhore by diſtreſs of weather, and the ſaid act of parliament having been conſulted, the council adviſed the governor to order the commiſſary to ſupply them with what they demanded under the act;

act; which was done. Upon the meeting of the aſſembly, a meſſage was ſent to the council, and carried by five members, to enquire, 'By what authority acts of parliament 'were regiſtered amongſt the laws of that province; and 'whether they knew of any act (meaning of aſſembly) re-'quiring the regiſtering of ordinances, (their term for acts 'of parliament,) which their legiſlature never conſented to.'

The committee find, That, on the 12th of March, 1767, the Lord Wycombe, by his Majeſty's command, laid before the Houſe copies of letters, &c. from his Majeſty's governors in America, which were ordered to lie on the table.

That, on the third of April, more copies of letters from his Majeſty's governors in America were laid before the Houſe, and ordered to lie on the table.

That, on the 14th of May, it was ordered, that an humble addreſs ſhould be preſented to his Majeſty, That he would be graciouſly pleaſed to give directions that there might be laid before this Houſe copies of all reports made to or by the commiſſioners of trade and plantations, together with all orders and proceedings made, or had, by the ſecretaries of ſtate, or his Majeſty's privy council, relating to the bill paſſed by the governor, council, and aſſembly of the Maſſachuſett's-Bay, for granting compenſation to the ſufferers, and of free and general pardon, indemnity, and oblivion, to the offenders, in the late times, from the time of the receipt of the ſaid bill.

That, on the 18th day of May, purſuant to the ſaid addreſs, the Lord Wycombe laid before the Houſe a copy of the report of the committee of council, &c. which papers were ordered to lie on the table.

That, on the ſame day, it was ordered, that an humble addreſs ſhould be preſented to his Majeſty, That he would be graciouſly pleaſed to give directions that there might be laid before this Houſe copies of ſuch precedents as had been, or might be found, of orders in council, declaring acts of aſſembly in America to be null, illegal or void; together with reports of the ſeveral attornies and ſolicitors general, or either of them, in ſimilar caſes, read at the council board the 9th inſt.

That, on the 22d of May, the Lord Wycombe, by his Majeſty's command, laid before the Houſe, copies of ſuch precedents as had been found of orders in council, declaring acts of aſſemblies in America to be null, illegal, and void; together

together with reports of the ſeveral attornies and ſolicitors general, or either of them, in ſimilar caſes.

Which papers were ordered to lie on the table; and, from a peruſal of them, we find, that ſeveral acts of different colonies have been, from time to time, declared, by his Majeſty in council, to be null, illegal, and void.

That, on the 15th of June, a bill was brought up from the Commons, intituled, 'An act to enable his Majeſty to put the cuſtoms and other duties, in the Britiſh dominions in America, and the execution of the laws relating to trade there, under the management of commiſſioners to be appointed for that purpoſe, and to be reſident in the ſaid dominions.'

Which bill received the royal aſſent on the 29th of the ſaid month.

That, on the 18th of June, a bill was brought up from the commons, intituled, "An act for granting certain duties in the Britiſh colonies and plantations in America; for allowing a drawback of the duties of cuſtoms upon the exportation, from this kingdom, of coffee and cocoa nuts, of the produce of the ſaid colonies, or plantations; for diſcontinuing the drawbacks payable on china earthen ware exported to America: and for more effectually preventing the clandeſtine running of goods in the ſaid colonies and plantations."

Which bill received the royal aſſent on the 29th of June.

The committee find, That, on the meeting of the aſſembly of the province of the Maſſachuſetts-Bay, on the 28th of January 1767, a meſſage was ſent to the governor, from the Houſe of Repreſentatives, deſiring to be informed whether any proviſion had been made, at the expence of that government, for the King's troops, lately arrived in the harbour of Boſton; and that, after having had the minutes of council (by which it expreſsly appeared that the proviſion for the artillery companies at the caſtle was made in purſuance of the then late act of parliament) laid before them, they replied, that "In giving orders, with the advice of the council, for making proviſion for the artillery companies at the caſtle, the governor had acted in an eſſential point againſt the plain intention of the charter, by which alone, and that only, according to ſuch acts as are or may be in force, within this province, the governor and council were authoriſed to iſſue money out of the treaſury:" adding, "that it

was

was ſtill more grievous to them to find the governor ſtating, as the foundation of the proceeding, a late act of parliament, which to them appeared as great a grievance as the ſtamp act, which took away the unalienable right of freedom from all taxation, but ſuch as they ſhould voluntarily conſent to, and grant."

Governor Bernard was obliged, in his rejoinder, 14th and 18th of February 1767, carefully to avoid giving the act of parliament as the foundation of the proviſion made; he would otherwiſe not have had the concurrence of the council; for tho' the greater part, he believed, had a due reſpect for acts of parliament, not one of them would have dared to avow it, in that inſtance, and at that time.

The committee find, That, on the ſecond of March, 1768, a bill was brought up from the commons, intituled, "An act for the more eaſy and effectual recovery of the penalties and forfeitures inflicted by the acts of parliament relating to trade, or revenues, of the Britiſh colonies and plantations in America."

Which bill received the royal aſſent on the 8th of the ſame month.

It appears to the committee, that by a circular letter from the Houſe of Repreſentatives of the colony of Maſſachuſett's-Bay, addreſſed to all the Aſſemblies upon the continent of North America, "They deſired the aſſent of thoſe aſſemblies to their ſentiments and proceedings, acquainting them that they had repreſented to his Majeſty, that the acts of parliament of Great Britain, impoſing duties upon that province, with the ſole and expreſs purpoſe of raiſing a revenue, are infringements of their natural conſtitutional rights, and deſired them to point out any thing further that might be neceſſary to carry their ſyſtem into execution."

In this year, the aſſembly, at the election of the council, left out all the crown officers, which meaſure had been before adopted in the years 1766, and 1767.

In the beginning of May, 1768, ſubſcriptions were made, and aſſociations entered into, for the non-importation of goods from Great Britain; but this laſt meaſure was, at that time defeated by the merchants in the other colonies refuſing to concur in it.

On the 9th day of May, 1768, regular ſeizure was made by the collector and comptroller of the cuſtoms of the ſloop Liberty, belonging to Mr. Hancock of the town of Boſton, which

which occaſioned a moſt violent tumult; the collector and comptroller, with the ſon of the collector, were attacked by a numerous and outrageous mob, who beat and abuſed them in a moſt cruel manner; and in the night attacked their houſes, broke their windows, ſeized on a boat belonging to the collector, which they carried away in triumph, and afterwards burnt: the commiſſioners of the cuſtoms expecting the ſame treatment, the riot ſtill continuing, thought it prudent to retreat for ſafety till midnight, with their families, to the houſes of ſome perſons in the neighbourhood, and afterwards, upon conviction that their lives were in danger, took refuge on board his Majeſty's ſhip the Romney, then in the harbour of Boſton; and, for their further ſecurity, from thence into Caſtle William. During the time of this their perilous ſituation, they applied ſeveral times by letter to the governor and council, for protection, but could procure no aſſiſtance whatſoever, and were finally told, in a letter from Governor Bernard, dated the 13th of June, That, after ſeveral hours deliberation of the neceſſity of taking ſome meaſures to preſerve the peace of the town, and what thoſe meaſures ſhould be, the council had come to a reſolution, That, as there appeared to be no immediate danger of further violences, they were of opinion, that it would be beſt to refer this matter to the conſideration of a committee of both Houſes, and that therefore the governor at preſent could not let them know what kind of aid and protection they might expect to receive. The conſequence of which was, that they received no protection whatſoever. The diſorder and confuſion remained in this ſtate unnoticed till the 22d of July, when the governor moved the council to take into conſideration ſome meaſures for reſtoring vigour and firmneſs to government, but, on the 29th of July, the council made a reply to what had been propoſed to them by the governor, in which they ſtate, "That the diſorders, which happened, were occaſioned by the violent and unprecedented manner, in which the ſloop Liberty had been ſeized by the officers of the cuſtoms."

In conſequence of this diſorderly ſtate at Boſton, two regiments having been ſent thither from Halifax, in order to ſupport the execution of the civil power, and preſerve the peace of the town, ſtrict orders were given and repeated to the troops not to quarrel with the townſmen, by whom, they

they complained, they had been frequently ill-treated, and inſulted.

On Monday the 5th of March 1768, at nine at night, the alarm bells were rung as in caſes of fire, the fire ſaid to be in King-ſtreet, and the people thereby led thither; where finding the alarm falſe, they joined a multitude, who had been braving two companies at the gates of their barrack, and threatened with death the centinel, who was poſted at the Cuſtom-houſe, where the King's treaſure was lodged; the centinel, being ſurrounded, was forced to retreat, and call for aid, which brought Captain Preſton, captain of the day, with a party, from the main guard, to extricate him: that officer uſed his utmoſt endeavours to prevent miſchief, notwithſtanding which, the rioters by blows, and every act of aggravation, drew upon themſelves the fire of ſeveral of the ſoldiers, by which ſome perſons were unfortunately killed; and, upon the governor's offering to obtain the commanding officer's conſent to remove one of the regiments to the caſtle, and to ſtation the other, ſo as no opportunity of diſputes with the townſmen ſhould remain; the council inſiſted, that both regiments ſhould go, giving for a reaſon, that the people would moſt certainly drive out the troops, and that the inhabitants of other towns would join with Boſton in it; and ſeveral of them declared, that they did not judge from the general temper of the people only, but they knew it to be the determination, not of a mob, but of the generality of the principal inhabitants; in conſequence of which, both regiments were accordingly removed.

In the petition preſented to the governor by ſeveral people of conſideration, in purſuance of the reſolution of a town meeting held at that time, they diſavow the legiſlative authority of this country, and aſſert that it would be better for them to ſtruggle againſt it, than tamely to relinquiſh their rights.

And the aſſembly abſolutely refuſed, by a great majority, to reſcind their former order of ſending circular letters to the other colonies, though they had received a poſitive requiſition from the crown to that purpoſe.

An aſſociation was entered into the beginning of Auguſt, when moſt of the merchants of Boſton entered into, and ſubſcribed an agreement, that they would not ſend for, or import, any kind of goods or merchandiſe from Great Britain, ſome few articles of neceſſity excepted, from the firſt

of

of January, 1769, to the firſt of January, 1770; and that they would not import any tea, paper, glaſs, or painters colours, until the act impoſing duties on thoſe articles ſhould be repealed.

It was alſo voted, in a town meeting of the freeholders and other inhabitants of Boſton, September 12, that the levying money within that province, for the uſe and ſervice of the crown, in another manner than the ſame is granted by the great and general court of aſſembly of the province, was in violation of the ſaid royal charter, and the ſame was alſo in violation of the undoubted natural rights of ſubjects, declared in the aforeſaid act of Parliament, (meaning the act of ſucceſſion) freely to give and grant their own money for the ſervice of the crown, with their own conſent, in perſon, or by repreſentatives of their own free election.

They alſo voted, that the Governor did not think proper to call a general court, for the redreſs of their (ſuppoſed) grievances, the town ſhould then make choice of a ſuitable number of perſons to act for them, as a committee in convention, with ſuch as might be ſent to join them from the ſeveral towns in that province, in order that ſuch meaſures might be conſulted and adviſed, as his Majeſty's ſervice, and the peace and ſafety of his ſubjects in the province, might require.

They alſo voted, that there was at that time, a prevailing apprehenſion in the minds of many of an approaching war with France, in order that the inhabitants of that town might be prepared in caſe of ſudden danger, that thoſe of the ſaid inhabitants who might, at that time, be unprovided, ſhould be, and thereby were, requeſted duly to obſerve at that time the law of the province, whereby it is required, that every liſted ſoldier, and other houſeholder, (except troopers, who by law are otherwiſe to be provided) ſhall be always provided with a well fixed firelock, muſket, accoutrement, and ammunition, as in the ſaid law is particularly mentioned, to the ſatisfaction of the commiſſion officers of the company.

They alſo voted, that a letter ſhould be written to the ſeveral towns in the province, as follows.

'*Gentlemen*,

'You are already too well acquainted with the melan-
'choly, and very alarming circumſtances, to which this pro-
'vince

'vince, as well as America in general, is now reduced; 'taxes, equally detrimental to the commercial intereſt of the 'parent country and her colonies, are impoſed on the peo-'ple without their conſent; taxes, deſigned for the ſup-'port of the civil government in the colonies, in a manner 'clearly unconſtitutional, and contrary to that, in which, 'till of late, government has been ſupported by the free 'gift of the people in the American Aſſemblies or Parlia-'ments, as alſo for the maintenance of a large ſtanding ar-'my, not for the defence of the newly acquired territories, 'but for the old colonies, and in time of peace. The de-'cent, humble, and truly loyal applications and petitions 'from the repreſentatives of this province, for the redreſs 'of theſe heavy and very threatening grievances, have hi-'therto been ineffectual; being aſſured, from authentic in-'telligence, that they have not yet reached the royal ear; 'the only effect of tranſmitting applications, hitherto per-'ceivable, has been a mandate, from one of his Majeſty's 'Secretaries of State to the governor of this province, to 'diſſolve the general aſſembly, merely becauſe the late Houſe 'of Repreſentatives refuſed to reſcind a reſolution of a for-'mer Houſe, which implied nothing more than a right in 'the American ſubjects to unite in humble and dutiful pe-'titions to their gracious Sovereign, when they found them-'ſelves aggrieved: this is a right naturally inherent in every 'man, and expreſsly recognized at the glorious revolution 'as the birth-right of an Engliſhman.

'This diſſolution, you are ſenſible, has taken place; the 'governor has publicly and repeatedly declared that he can-'not call another aſſembly; and the Secretary of State for 'the American department, in one of his letters comuni-'cated to the Houſe, has been pleaſed to ſay, "that proper "care will be taken for the ſupport of the dignity of go-"vernment;" the meaning of which is too plain to be miſ-'underſtood.

'The concern and perplexity into which theſe things have 'thrown the people have been greatly aggravated by a late 'declaration of his Excellency Governor Bernard, that one 'or more regiments may be expected in this province.

'The deſign of theſe troops is, in every one's apprehen-'ſion, nothing ſhort of enforcing, by military power, the 'execution of acts of Parliament, in the forming of which 'the colonies have not, and can not have any conſtitutional

'influence. This is one of the greateſt diſtreſſes to which a 'free people can be reduced.

'The town, which we have the honour to ſerve, have 'taken theſe things, at their late meeting, into their moſt 'ſerious conſideration; and, as there is in the minds of ma-'ny a prevailing apprehenſion of an approaching war with 'France, they have paſſed the ſeveral votes which we tranſ-'mit to you, deſiring that they may be immediately laid 'before the town, whoſe prudentials are in your care, at a 'legal meeting, for their candid and particular attention.

'Deprived of the councils of a general aſſembly in this 'dark and difficult ſeaſon, the loyal people of this province 'will, we are perſuaded, immediately perceive the propriety 'and utility of the propoſed committee of convention, and 'the ſound and wholeſome advice that may be expected 'from a number of gentlemen, choſen by themſelves, and 'in whom they may repoſe the greateſt confidence, muſt 'tend to the real ſervice of our moſt gracious Sovereign, and 'the welfare of his ſubjects in this province, and may hap-'pily prevent any ſudden and unconnected meaſures, which, 'in their preſent anxiety, and even agony of mind, they may 'be in danger of falling into.

'And it is of importance that the convention ſhould meet 'as ſoon as may be; ſo early a day as the twenty-ſecond of 'this inſtant September, has been propoſed for that pur-'poſe;—and it is hoped the remoteſt towns will, by that 'time, or as ſoon after as conveniently may be, return their 'reſpective committees.

'Not doubting but you are equally concerned with us and 'our fellow citizens, for the preſervation of our invaluable 'rights, and for the general happineſs of our country, and 'that you are diſpoſed, with equal ardour, to exert your-'ſelves, in every conſtitutional way, for ſo glorious a pur-'poſe.'

The committee obſerve, that it does not appear to them that any ſteps were taken to ſuppreſs theſe meaſures, or that they were noticed by the council, or any of the civil magiſtrates.

The committee think it neceſſary here to inſert the following extracts.

The firſt extract is from his Majeſty's moſt gracious Speech from the throne, on the 8th day of Nov. 1768.

"At

"At the close of the last Parliament, I expressed my satisfaction at the appearances which then induced me to believe, that such of my subjects as had been misled in some parts of my dominions, were returning to a just sense of their duty; but it is with equal concern, that I have since seen that spirit of faction, which I had hoped was well-nigh extinguished, breaking out afresh in my colonies in North-America, and in one of them proceeding even to acts of violence, and of resistance to the execution of the law; the capital town of which colony appears, by late advices, to be in a state of disobedience to all law and government, and has proceeded to measures subversive of the constitution, and attended with circumstances that manifest a disposition to throw off their dependence on Great-Britain. On my part, I have pursued every measure that appeared to be necessary for supporting the constitution, and inducing a due obedience to the authority of the legislature; you may rely upon my steady perseverance in these purposes, and I doubt not but that, with your concurrence and support, I shall be able to defeat the mischievous designs of those turbulent and seditious persons, who, under false pretences, have but too successfully deluded numbers of my subjects in America, and whose practices, if suffered to prevail, cannot fail to produce the most fatal consequences to my colonies immediately, and, in the end, to all the dominions of my crown."

The second extract is from your Lordships dutiful address to his Majesty, on his said most gracious Speech.

"We feel the most sincere concern, that any of our fellow subjects in North-America should be misled by factious and designing men, into acts of violence, and of resistance to the execution of the law; attended with circumstances that manifest a disposition to throw off their dependence upon Great Britain. At the same time, that we shall be always ready to contribute to the relief of any real grievance of your Majesty's American subjects, we most unfeignedly give your Majesty the strongest assurances, that we shall ever zealously concur in support of such just and necessary measures, as may best enable your Majesty to repress that daring spirit of disobedience, and to enforce a due submission to the laws; always considering, that it is one of our most essential duties to maintain inviolate the supreme authority of the legislature of Great Britain over every part of the dominions of your Majesty's crown."

The third extract is from his Majeſty's moſt gracious anſwer to your Lordſhips addreſs.

"Your zealous concurrence in every meaſure, that can bring relief to my people, is well known to me; nor do I doubt of the attention that you will always give to any real grievances of my American ſubjects. The ſtrong aſſurances I receive from you, at the ſame time of your determination to vindicate the juſt legiſlative authority of Parliament, over all the dominions of my crown, deſerve my warmeſt approbation."

The committee find, that, on the fifteenth of November, the Lord Harwich acquainted the Houſe, that he had received his Majeſty's commands to lay before the Houſe papers relating to the late diſturbances in America; and that the ſame would be laid before the Houſe in a few days.

That accordingly, on the twenty-eighth of November, the Lord Harwich laid before the Houſe, copies of all letters, &c. relating to the late proceedings of the colony of the Maſſachuſett's-Bay, together with a liſt thereof, which was read by the clerk.

That on the fifteenth of December, the Houſe came to the following reſolutions:

I. Reſolved, by the Lords Spiritual and Temporal, in Parliament aſſembled, that the votes, reſolutions, and proceedings, of the Houſe of Repreſentatives of Maſſachuſett's Bay, in the month of January and February laſt, reſpecting ſeveral late acts of Parliament, ſo far as the ſaid votes, reſolutions, and proceedings, do import a denial of, or to draw into queſtion, the power and authority of his Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons, in Parliament aſſembled, to make laws and ſtatutes of ſufficient force and validity, to bind the colonies and people of America, ſubjects to the Crown of Great Britain, in all caſes whatſoever, are illegal, unconſtitutional, and derogatory of the rights of the Crown and Parliament of Great Britain.

II. Reſolved, by the Lords Spiritual and Temporal, in Parliament aſſembled, That the reſolution of the ſaid Houſe of Repreſentatives of the province of Maſſachuſett's-Bay, in January laſt, to write letters to the ſeveral Houſes of Repreſentatives of the Britiſh colonies in the continent, deſiring them to join with the ſaid Houſe of Repreſentatives of the province of Maſſachuſett's-Bay, in petitions, which do deny

deny or draw into queſtion the right of Parliament, to impoſe duties and taxes upon his Majeſty's ſubjects in America; and, in purſuance of the ſaid reſolution, the writing ſuch letters, in which certain late acts of Parliament, impoſing duties and taxes, are ſtated to be infringements of the rights of his Majeſty's ſubjects of the ſaid province, are proceedings of a moſt unwarrantable and dangerous nature, calculated to inflame the minds of his Majeſty's ſubjects in the other colonies, tending to create unlawful combinations repugnant to the laws of Great Britain, and ſubverſive of the conſtitution.

III. Reſolved, by the Lords Spiritual and Temporal, in Parliament aſſembled, that it appears, that the town of Boſton, in the province of Maſſachuſett's-Bay, has, for ſome time paſt, been in a ſtate of great diſorder and confuſion; and that the peace of the ſaid town has, at ſeveral times, been diſturbed by riots and tumults of a dangerous nature, in which the officers of his Majeſty's revenue there have been obſtructed by acts of violence, in the execution of the laws, and their lives endangered.

IV. Reſolved, by the Lords Spiritual and Temporal, in Parliament aſſembled, that it appears, that neither the council of the ſaid province of Maſſachuſett's-Bay, nor the ordinary civil Magiſtrates, did exert their authority for ſuppreſſing the ſaid riots and tumults.

V. Reſolved, by the Lords Spiritual and Temporal, in Parliament aſſembled, that in theſe circumſtances of the province of the Maſſachuſett's-Bay, and of the town of Boſton, the preſervation of the public peace, and the due execution of the laws, became impracticable, without the aid of a military force to ſupport and protect the civil Magiſtrates, and the officers of his Majeſty's revenue.

VI. Reſolved, by the Lords Spiritual and Temporal, in Parliament aſſembled, that the declarations, reſolutions, and proceedings, in the town meeting at Boſton, on the fourteenth of June, and twelfth of September, were illegal and unconſtitutional, and calculated to excite ſedition, and inſurrections in his Majeſty's province of Maſſachuſett's-Bay.

VII. Reſolved, by the Lords Spiritual and Temporal, in Parliament aſſembled, that the appointment at the town meeting, on the twelfth of September, of a convention to be held in the town of Boſton, on the twenty-ſecond of that month, to conſiſt of deputies from the ſeveral towns and

diſtricts in the province of the Maſſachuſett's-Bay, and iſſuing a precept, by the ſelect men of the town of Boſton, to each of the ſaid towns and diſtricts, for the election of ſuch deputies, were proceedings ſubverſive of his Majeſty's government, and evidently manifeſting a deſign, in the inhabitants of the ſaid town of Boſton, to ſet up a new and unconſtitutional authority, independent of the crown of Great Britain.

VIII. Reſolved, by the Lords Spiritual and Temporal, in Parliament aſſembled, that the elections, by ſeveral towns and diſtricts in the province of Maſſachuſett's-Bay, of deputies to ſit in the ſame convention, and the meeting of ſuch convention in conſequence thereof, were daring inſults offered to his Majeſty's authority, and audacious uſurpations of the powers of government.

It was then ordered, that an humble addreſs be preſented to his Majeſty, to return his Majeſty thanks for the communication which he has been graciouſly pleaſed to make to his Parliament, of ſeveral papers relative to public tranſactions in his Majeſty's province of Maſſachuſett's-Bay.

To expreſs our ſincere ſatisfaction in the meaſures which his Majeſty has purſued for ſupporting the conſtitution, and inducing a due obedience to the authority of the legiſlature.

To give his Majeſty the ſtrongeſt aſſurances, that we will effectually ſtand by and ſupport his Majeſty in ſuch further meaſures, as may be found neceſſary to maintain the civil Magiſtrates, in a due execution of the laws, within his Majeſty's province of Maſſachuſett's-Bay.

And as we conceive, that nothing can be more immediately neceſſary, either for the maintenance of his Majeſty's authority in the ſaid province, or for the guarding his Majeſty's ſubjects therein from being further deluded by the arts of wicked and deſigning men, than to proceed, in the moſt ſpeedy and effectual manner, for bringing to condign puniſhment the chief authors and inſtigators of the late diſorders, to beſeech his Majeſty, that he will be graciouſly pleaſed to direct his Majeſty's governor of Maſſachuſett'sBay, to take the moſt effectual methods for procuring the fulleſt information that can be obtained touching all treaſons, or treaſon, committed within his government ſince the thirtieth of December laſt, and to tranſmit the ſame, together with the

names

names of the perſons who were moſt active in the commiſſion of ſuch offences, to one of his Majeſty's principal Secretaries of State, in order that his Majeſty may iſſue a ſpecial commiſſion for enquiring of, hearing and determining the ſaid offences, within this realm, purſuant to the proviſions of the ſtatute of the thirty-fifth year of the reign of King Henry the Eighth, if his Majeſty ſhall, upon receiving the ſaid information, ſee ſufficient ground for ſuch a proceeding.

And a meſſage was ſent to the Houſe of Commons, to carry down the ſaid reſolutions and addreſs, and deſire their concurrence thereto.

On the twentieth of January, 1769, the Lord Harwich, (by his Majeſty's command) laid before the Houſe more copies of letters relating to America, which were ordered to lie on the table.

On the 9th of February, the reſolutions and addreſs, ſent to the Commons on the 15th of December laſt, for their concurrence, were returned, agreed to, with ſome amendments, which were read and agreed to, and notice thereof ſent to the Commons; and the ſaid addreſs was ordered to be preſented to his Majeſty by both Houſes.

On the 14th of February, the Lord Chancellor reported his Majeſty's anſwer to the ſaid addreſs, as follows:

*My Lords and Gentlemen,*

"The ſincere ſatisfaction you expreſs in the meaſures which I have already taken, and the ſtrong aſſurances you give of ſupporting me in thoſe which may be neceſſary to maintain the juſt legiſlative authority, and the due execution of the laws in my province of Maſſachuſett's-Bay, give me great pleaſure.

"I ſhall not fail to give thoſe orders which you recommend, as the moſt effectual method of bringing the authors of the late unhappy diſorders in that province to condign puniſhment."

Which addreſs and anſwer were ordered to be printed.

It doth not appear to the committee, that the cenſure of the proceedings in the province of Maſſachuſett's-Bay, and of the conduct of the council and other civil magiſtrates, expreſſed by both Houſes of Parliament in their reſolutions, and their approbation of the meaſure of ſending troops thither, to ſupport and protect the magiſtrates, and the officers

of the revenue, produced the good effect that might reaſonably have been hoped for; a diſpoſition to deny the authority, and reſiſt the laws, of the ſupreme legiſlature, continued ſtill to prevail, not only in flagitious publications in the daily news-papers, but alſo in a variety of violent and unwarrantable reſolutions and proceedings of thoſe merchants and others, who had ſubſcribed to the agreements for non-importation of goods from Great-Britain.

Meetings of the aſſociators were repreſented to have been held in as regular a manner as any other meeting authoriſed by the conſtitution. Committees were appointed to examine the cargoes of all veſſels arriving from Great-Britain, and regular votes and reſolutions of cenſure were paſſed in thoſe meetings, upon all ſuch as refuſed to concur in thoſe unlawful aſſociations; their names were publiſhed in the public news-papers, as enemies to their country; and the mandates and decrees of thoſe committees met with a reſpect and obedience denied to the conſtitutional authority of government.

In ſome caſes goods imported from Great-Britain, were locked up in the ware-houſes, under the care of theſe committees, in order to prevent their being ſold; and, in one or two inſtances, they were re-ſhipped to Great-Britain.

On the 31ſt of May, 1769, the general court met at the court-houſe at Boſton, purſuant to his Majeſty's writs, and the firſt ſtep the aſſembly took, before they proceeded on any other buſineſs, was to ſend a meſſage to the governor, aſſerting, that the having ſhips in the harbour, and troops in the town of Boſton, was inconſiſtent with their dignity and freedom; and therefore, that they had a right to expect, that he would give orders for the removal of the forces by ſea and land from that port, and from the gates of the city, during the ſeſſion of the aſſembly; and, at the ſame time, the Houſe came to ſeveral reſolutions to the ſame effect, as the declarations contained in their meſſage to the governor.

The governor having, in reply to their meſſage, acquainted them, that he had no authority over his Majeſty's ſhips in that port, or his troops in that town, nor could give any orders for the removal of them, they then proceeded to the election of counſellors, in which election, not only the lieutenant-governor, and other officers of government were excluded, but alſo ſeveral other gentlemen, who had been of the

the former council, and who (the governor repreſents) ſhewed a diſpoſition to ſupport the King's government, to acknowledge the authority of parliament, and to preſerve the people from a democratical deſpotiſm, and were otherwiſe diſtinguiſhed by their integrity and ability.

On the 13th of June, the aſſembly ſent an anſwer to the governor's meſſage of the 31ſt of May, in which he had told them he had no authority over the King's ſhips, or troops.

In this anſwer they aſſert, that, "By the principles of the conſtitution, the governor of that colony has the abſolute military command; that the ſending a military force there, to enforce the execution of the laws, is inconſiſtent with the nature of government, and the ſpirit of a free conſtitution; that the unwillingneſs of a people in general that a law ſhould be executed, was ſtrong preſumption of its being an unjuſt law; that it could not be *their* law, as people muſt conſent to laws before they can be obliged, in conſcience, to obey them."

It appears, by a vote of the aſſembly, on the 8th of July, that they have declared, that all trials for treaſon, miſpriſion of treaſon, or for any felony, or crime whatever, committed or done in that colony, ought, of right, to be had and conducted within the court of the colony; and that the ſeizing any perſon or perſons, reſiding in that colony, ſuſpected of any crime whatſoever committed therein, and ſending ſuch perſon or perſons to places beyond the ſea to be tried, is highly derogatory of the rights of Britiſh ſubjects, as thereby the ineſtimable privilege of being tried by a jury from vicinage, as well as the liberty of ſummoning and producing witneſſes on ſuch trial, will be taken away from the party accuſed.

On the 6th of April, 1770, a Bill was brought up from the Houſe of Commons to your Lordſhips, intitled, "An act to repeal ſo much of an act, made in the ſeventh year of his preſent Majeſty's reign, intitled, "An act for granting certain duties in the Britiſh colonies and plantations in America, for allowing a drawback of the duties of cuſtoms, upon the exportation from this kingdom, of coffee and cocoa nuts, of the produce of the ſaid colonies or plantations; for diſcontinuing the drawbacks payable on china earthen ware, exported to America, and for more effectually preventing the clandeſtine running of goods in the ſaid colonies and plantations;"

tations;" as relates to the duties upon glaſs, red lead, white lead, painters colours, paper, paſteboards, millboards, and ſcaleboards, of the produce or manufacture of Great Britain, imported into any of his Majeſty's colonies in America; and alſo to the diſcontinuing the drawbacks payable on china earthen ware exported to America, and for regulating the exportation thereof."

Which bill received the royal aſſent on the 12th of April.

On the 30th of April it was ordered, That an humble addreſs ſhould be preſented to his Majeſty, that he would be graciouſly pleaſed to give directions, that there be laid before this Houſe copies of all narratives of any diſputes or diſturbances which have happened between his Majeſty's troops, ſtationed in North-America, and the inhabitants of any of his Majeſty's colonies there, ſince the 24th day of June laſt, received by the commiſſioners of his Majeſty's treaſury, any of his Majeſty's ſecretaries of ſtate, or any other public offices, together with copies of all orders and inſtructions ſent to the governors, lieutenant-governors, deputy-governors, preſidents of the council of any of his Majeſty's colonies in North-America, or to the commander in chief of his Majeſty's forces, or any officer, civil or military, within the ſame, relative to ſuch diſputes or diſturbances.

And that on the 4th of May, the Lord Harwich, by his Majeſty's command, laid before the Houſe ſeveral papers relative to the late diſturbances in America, purſuant to an addreſs to his Majeſty for that purpoſe, on the 30th of April laſt, together with a liſt thereof, which were ordered to lie on the table.

The committee find, That on the 7th of May, the Lord Harwich laid before the Houſe, by his Majeſty's command, a narrative of the late tranſactions at Boſton, and the caſe of Captain Thomas Preſton, of the 29th regiment of foot, which had been tranſmitted to his Lordſhip from the War-office; and the ſame were ordered to lie on the table.

On the 14th of May, it was ordered, That an humble addreſs ſhould be preſented to his Majeſty, that he would be graciouſly pleaſed to give directions that there be laid before this Houſe copies of the Earl of Hillſborough's letter of the 13th of May, 1769, to the governors of the ſeveral colonies of North-America, together with the ſpeeches of the governors referring to the ſaid letter, and the anſwers of the aſſemblies to the ſame, ſo far as they have been received.

And,

And, on the 15th, the Lord Harwich laid before the Houſe, by his Majeſty's command, copies of the Earl of Hillſborough's letter of the 13th of May, 1769, to the governors of the ſeveral colonies of North-America, together with the ſpeeches of the governors referring to the ſaid letter; and the anſwers of the aſſemblies to the ſame, ſo far as they have been received, together with a liſt thereof, which were ordered to lie on the table; and the ſame, with the other American papers preſented in this ſeſſion, were alſo ordered to be taken into conſideration on Friday next, and the Lords ſummoned.

The committee find, by lieutenant-governor Hutchiſon's letter, of the 27th of March, 1770, that when the troops were in the town, the commiſſioners of the cuſtoms were ſenſible they could have no dependence upon them; for if any riot had happened, no civil magiſtrate, that he knew, would have employed them in ſuppreſſing it; thoſe who from a principle would have been diſpoſed to it, refuſing, and giving this reaſon, that they muſt immediately after have left the country; and that juſt the ſame principles prevailed with reſpect to the troops which were ſaid to be unconſtitutional, although eſtabliſhed by an act of parliament, it being alledged that it was an act which did not bind coloniſts.

Lieutenant-Governor Hutchiſon, in his letter to the Earl of Hillſborough, April the twenty-ſeventh, 1770, complains, "That he has never been able to obtain the advice or conſent of the council, to any propoſal made for the diſcountenancing the uſurpation of the powers of government by the town of Boſton; that he had uſed the negative powers given him by charter, in excluding Mr. Hancock from being Speaker *pro tempore*, and Mr. Cuſhing from the office of commiſſary general, to which offices they had been elected;" but adds, "That this was doing but little, as he could not remove any of thoſe who were actually in office, ſome of whom were more inflammatory than any out of office." He further ſays, "That they were then attempting to compel all the importers of what they call the contraband goods, to ſend them back, and that he was not ſure they would not ſucceed: that all goods which they have not enumerated, are called contraband. That tea from Holland may lawfully be ſold: that it is a high crime to ſell any from England: that Mr. Hancock offered to ſend one or more of his ſhips back, and to loſe the freight: that ſeveral of the importers pleaded,

that

that they ſhould be utterly ruined; but that the Boſton zealots had no bowels; and gave for anſwer, that if a ſhip was to bring in the plague, nobody would doubt what was neceſſary to be done with her; but the preſent caſe is much worſe than that. In the ſame letter, the Lieutenant-Governor obſerves, that the Boſton principles obtain more and more in the remote parts of the province, and the repreſentatives of ſeven-eights of the town appear, in the preſent ſeſſion, to be favourers of the non-importation meaſures: that their internal diſtreſſes may, in a courſe of years, force them to deſiſt; but that the diſtreſs at preſent, and it may be for ſome time to come, lies principally upon the friends to government, who run the riſk of importing goods, and then are compelled by the ruling powers to keep them unſold, or to ſhip them back: that he made an attempt that day to prevail upon a merchant of the firſt eſtate and character, to induce him to promote an aſſociation, but to no purpoſe; and that he gave him for anſwer, that until Parliament made proviſion for the puniſhment of the confederacies, all would be ineffectual, and the aſſociates would be expoſed to popular rage." He obſerved further, "That the laſt year, when the King's Speech, and the addreſſes of the Commons, firſt came to them, the heads of the oppoſition were ſtruck with terror, and the ſeditious news-paper writers laid aſide their pens for five or ſix weeks; but as ſoon as the apprehenſion of vigorous meaſures ceaſed, their fears were over, and they became more aſſuming and tyrannical than before; and although the terror was not ſo great the preſent year, yet it was viſible; but now that they may expect nothing will be done, they are recovering their ſpirits, knowing there is no power within the government to reſtrain them.

The reſiſtance to the cuſtom-houſe officers ſtill continued to manifeſt itſelf upon every occaſion; in conſequence of which, on the eighteenth of May, 1770, a tideſman of the cuſtoms, who had ſeized a ſmall coaſting veſſel, belonging to Connecticut, and a few caſks of ſugar, for breach of the acts of trade, in the evening, was ſeized, ſtripped, and carted about the town, for three or four hours, beſmeared with tar, and then covered with feathers, and followed by a great number of diſorderly people.

The committee do not find, in your Lordſhip's journals of the years 1771 and 1772, any material proceedings relative to the matters to them referred.

Though,

Though, in the year 1771, things remained tolerably quiet in the province of Maſſachuſett's-Bay, yet the diſpoſition to diſavow the authority of Parliament occaſionally broke out in the Houſe of Aſſembly and town meetings; accordingly, in an anſwer from the Houſe of Repreſentatives, to a meſſage from the Governor, on the fifth of July 1771, they ſay, that "They know of no commiſſioners of his Majeſty's cuſtoms, nor of any revenue his Majeſty has a right to eſtabliſh in North America; that they know and feel a tribute levied and extorted from thoſe who, if they have property, have a right to the abſolute diſpoſal of it."

At the ſame time the diſpoſition to import goods, in defiance of the laws of revenue and trade, and to ſupport ſuch iniquitous practices by inſults and open violences upon the officers, whoſe duty it is to carry the ſaid laws into execution, broke out upon many occaſions; and, as uſual, the magiſtrates declined giving their aſſiſtance and ſupport, tho' applied to for that purpoſe, which appears in the caſe of Arthur Savage, comptroller of his Majeſty's cuſtoms at Falmouth, who was forcibly taken out of his houſe in the night, by ſeveral perſons diſguiſed, and armed with piſtols, and other dangerous weapons, who put him in the utmoſt danger of his life, and not only obliged him to divulge the name of the perſon who had lodged an information, but alſo to ſwear the truth of his information; declaring at the ſame time, that if he diſcovered who they were, they would take his life; and that, upon his application to the juſtices, who were then ſitting, they declined the examination of the evidence he brought to prove the fact.

Things remained much in the ſame ſtate in the year 1772; the continued ill temper of the people of Boſton, was manifeſted by their inſtructions to their Repreſentatives.

Upon the news of his Majeſty's granting ſalaries to the juſtices of the ſuperior court, the moſt inflammatory pieces were publiſhed in the news-papers, and the ſelectmen of Boſton ordered a meeting to conſider of meaſures upon that occaſion, which meeting voted an addreſs to the Governor, in which they ſay, "That the freeholders and other inhabitants of the town of Boſton, legally aſſembled in Faneuil Hall, beg leave to acquaint his Excellency, that a report has prevailed, which they have reaſon to apprehend is well grounded; that ſtipends are affixed to the offices of the judges of the ſuperior court of judicature, &c. of this province

vince, whereby they are become independent of the grants of the general aſſembly for their ſupport; contrary to the ancient and invariable uſage."

"That this report has ſpread an alarm among all conſiderate perſons who heard of it, in town and country, being viewed as tending rapidly to complete the ſyſtem of their ſlavery, which originated in the Houſe of Commons of Great Britain, aſſuming a power and authority to give and grant the monies of the coloniſts without their conſent, and againſt their repeated remonſtrances. And as the judges hold their places during pleaſure, this eſtabliſhment appears big with fatal evils, ſo obvious that it is needleſs to treſpaſs on your Excellency's time, in mentioning them."

The town meeting afterwards appointed a committee of correſpondence, to write circular letters to all the towns in the province, to induce them to unite in meaſures upon that occaſion, which committee met the ſecond of November, 1772, and made a report, containing ſeveral reſolutions, contradictory to the ſupremacy of the Britiſh legiſlature: and, after ſetting forth, that all men have a right to remain in a ſtate of nature as long as they pleaſe, they proceed to draw a report upon the natural rights of the coloniſts as men, chriſtians and ſubjects, and from a liſt of infringements and violations of their rights; one of the firſt of which contains an aſſertion, that the Britiſh Parliament have aſſumed the powers of legiſlation for the colonies, in all caſes whatſoever, without obtaining the conſent of the inhabitants, which is ever eſſentially neceſſary to the rightful eſtabliſhment of ſuch a legiſlature.

They alſo conſider it as an infringement of their rights, that a number of new officers, unknown to the charter, have been appointed to ſuperintend the revenues, whereas the great and general court, or aſſembly of that province, had the ſole right of appointing all officers, the election and conſtitution of whom is, in the ſaid charter, expreſsly excepted, among whom theſe officers are not included.

They likewiſe complain of it as a grievance, that his Majeſty has been pleaſed to apply 1500 l. ſterling annually, out of the American revenue, for the ſupport of the government of this province, independent of the aſſembly, and that the judges of the Superior court, as alſo the King's Attorney and Solicitor-General, are to receive their ſupport from what they

they call this grievous tribute, which they ſay will, if accompliſhed, complete their ſlavery.

Six hundred copies of this report were circulated in the towns of the province, with a pathetic letter, addreſſed to the inhabitants, who are called upon not to doze any longer, or ſit ſupinely in indifference, whilſt the iron hand of oppreſſion is daily tearing the choiceſt fruits from the fair tree of liberty.

On the ſixth of May, a meſſage was brought from the Houſe of Commons to your Lordſhips, with a Bill, intitled, "An act to allow a drawback of the duties of cuſtoms, on the exportation of tea, to any of his Majeſty's colonies or plantations in America, to increaſe the depoſit on bohea tea, to be ſold at the Eaſt India Company's ſales, and to impower the commiſſioners of the treaſury, to grant licences to the Eaſt India Company to export tea, duty-free," which Bill received the Royal Aſſent on the tenth of May.

It appears to the committee, in the anſwer of the council to the Governor's Speech at the opening of the ſeſſion, that they declare they are of opinion, that the Parliament cannot conſtitutionally levy taxes, in any form, on his Majeſty's ſubjects in that province.

And the Houſe of Repreſentatives, upon the ſame occaſion, declare, that if there had been, in any late inſtances, a ſubmiſſion to acts of Parliament, it has been, in their opinion, rather from inconſideration, or a reluctance at the idea of contending with the parent ſtate, that from a conviction or acknowledgement of the ſupreme legiſlative authority of Parliament.

The committee of correſpondence appear to have uſed their utmoſt endeavours to work up the minds of the people, not only of their own, but alſo of the ſouthern governments, to prevent the importation of teas from the Eaſt India Company; and accordingly, on the third of November, 1773, a mob, of about five hundred perſons committed ſeveral outrageous acts of violence, againſt the perſons to whom it was ſuſpected the tea in queſtion would be conſigned, inſiſting that they ſhould engage and promiſe not to receive or ſell it; that if they did, they would be voted enemies to the country, and muſt expect to be treated as ſuch hereafter. They then forced open the doors of the ware-houſes of Mr. Clark, and tore them off the hinges, and entered with great violence,

attempting

attempting to force their way up to the compting-houſe, but were driven back by the perſons that were in it.

A committee then of the freeholders, and other inhabitants, attended Meſſieurs Thompſon and Eliſha Hutchinſon, ſuppoſed to be two of the conſignees, and requeſted them to reſign their appointment; and upon their refuſing, voted their anſwer unſatisfactory. Governor Hutchinſon did every thing in his power, without the council, for the preſervation of the peace and good order of the town, and thought, that if he had had the aid the council might have given, his endeavours would have been more effectual.

On the 17th of November, 1773, a large number of people beſet the houſe of Mr. Hutchinſon, but not finding him at home, proceeded to Mr. Clark's, another of the conſignees, where they committed great diſorders, broke the glaſſes and frames of the windows, and did conſiderable damage. After this riot, the Governor immediately ſummoned a council, and laid before them the neceſſity of ſome meaſures being taken, but the council declined adviſing or directing any meaſures for landing the tea, ſuggeſting that they then would, of courſe, adviſe to a meaſure for procuring the payment of the duty, and therefore be adviſing to a meaſure inconſiſtent with the declared ſentiment of both Houſes, in the laſt winter ſeſſion of the general court, which they apprehend to be altogether inexpedient and improper.

After the arrival of a ſhip loaded with tea, a meeting of the people of Boſton, and the neighbouring towns, was held on the 29th of November, and continued, by adjournment, till the next day, when a motion was made and agreed to, *nem. con.* that the tea ſhould not only be ſent back, but that no duty ſhould be paid thereon.

It was alſo voted, *nem. con.* that Mr. Rotch, owner of the veſſel, and Captain Hall, the maſter of the ſhip, at their peril, ſhould not ſuffer any of the tea to be landed. It was alſo voted, That Governor Hutchinſon's conduct, in requeſting the Juſtices of Peace to meet to ſuppreſs all riots and unlawful aſſemblies, carried a reſigned reflection upon the people there met, and was ſolely calculated to ſerve the views of adminiſtration. They afterwards voted, that the tea brought by Captain Hall ſhould be returned by Mr. Rotch to England, in the ſame bottom in which it came. It was alſo voted, *nem. con.* That ſix perſons ſhould be appointed to give due

due notice to the towns in the country; when they ſhould be required ſo to do upon any important occaſion.

They alſo reſolved, That if any perſon or perſons ſhould, hereafter, import any tea from Great Britain, or if any maſter or maſters of any veſſels in Great Britain ſhould take the ſame on board, to be imported to that place, until the ſaid unrighteous act ſhould be repealed, he or they ſhould be deemed, by that body, an enemy to his country; and that they would prevent the landing and ſale of the ſame, and the payment of any duty thereon; and that they would effect the return thereof to the place from whence it came.

They alſo reſolved, That theſe their votes be printed and ſent to England, and all the ſea ports in the province. Before they ſeparated, they voted, that their brethren in the country ſhould be deſired to give their aſſiſtance, upon the firſt notice that ſhould be given.

After the diſſolution of this aſſembly of the people, what is called the committee of correſpondence called in committees of other towns, or other perſons to join with them; kept up a military watch and guard every night to prevent the landing any teas; and appeared to be the executioners of the reſolves, and orders, paſſed at the aforeſaid aſſembly.

The Conſignees having retired to the caſtle, the owner of the firſt ſhip that arrived was the principal perſon applied to; and he was ſent for repeatedly by theſe committees, and was frequently required to ſend back the ſhip with the teas. He pleaded, that he could not obtain a clearance at the cuſtom-houſe, nor a paſs for the caſtle; and that if he ſhould be able to get the ſhip out of the harbour, both ſhip and cargo would be forfeited in every part of the King's dominions. This was not thought ſatisfactory, and the next morning, another aſſembly of the people met, and choſe a moderator. At this meeting it was determined that Mr. Rotch, the owner of the ſhip, ſhould demand, at the cuſtom-houſe, a clearance of the teas for England, which was done on the 15th, when the collector and comptroller refuſed to grant it.

He then was obliged to demand a permit from the naval office to paſs the caſtle; afterwards he was ſent to the governor to apply to him for the permit, who ſoon ſatisfied him that no permit could be granted, until the veſſel was regularly cleared: he returned to town that evening, and reported

ported his anſwer to the meeting. Immediately whereupon numbers of the people cried out, *a mob! a mob!* left the houſe, repaired to the wharfs, where three of the veſſels lay a-ground, having on board 340 cheſts of tea, and in two hours time it was totally deſtroyed; a ſufficient number of people for doing the work were diſguiſed, and theſe were ſurrounded by numbers, as well of the inhabitants of Boſton as of other towns.

The committee obſerves that many perſons of conſideration in the town of Boſton took the lead in the proceedings of this meeting, for whoſe names they beg leave to refer your Lordſhips to the papers themſelves.

On the 4th of March, 1774, the Earl of Dartmouth acquainted the Houſe, that his Majeſty had given directions, That the ſeveral papers received from America relating to the diſturbances there, with regard to the importation of tea, ſhould be laid before the Houſe, and that the ſame would be delivered on Monday next.

The Earl of Dartmouth acquainted the Houſe, That he had a meſſage from his Majeſty, under his royal ſign manual, which his Majeſty had commanded him to deliver to this Houſe; and the ſame was read by the Lord Chancellor, and is as follows, viz.

*GEORGE* R.

"HIS Majeſty, upon information of the unwarrantable practices which had been lately concerted and carried on in North-America, and particularly of the violent and outrageous proceedings at the town and port of Boſton, in the province of Maſſachuſett's-Bay, with a view of obſtructing the commerce of this kingdom, and upon grounds and pretences immediately ſubverſive of the conſtitution thereof, hath thought fit to lay the whole matter before his two Houſes of Parliament, fully confiding as well in their zeal for the maintenance of his Majeſty's authority, as in their attachment to the common intereſt and welfare of all his dominions, that they will not only enable his Majeſty effectually to take ſuch meaſures as may be moſt likely to put an immediate ſtop to the preſent diſorders, but will alſo take into their moſt ſerious conſideration what farther regulations and permanent proviſions may be neceſſary to be eſtabliſhed, for better ſecuring the execution of the laws, and the juſt dependence

pendence of the colonies upon the crown and parliament of Great Britain."

*G. R.*

The Earl of Dartmouth alſo (by his Majeſty's command) laid before the Houſe copies of all letters, &c. received from North-America, relating to the diſturbances there, with regard to the importation of tea, together with a liſt thereof.

It was ordered, That an humble addreſs be preſented to his Majeſty, to return his Majeſty the thanks of this Houſe, for his Majeſty's gracious meſſage, and for the communication his Majeſty hath been graciouſly pleaſed to make this Houſe, of ſeveral papers relative to the preſent ſtate of ſome of his Majeſty's colonies in North-America.

To aſſure his Majeſty that this Houſe, truly ſenſible that the peace and good government of the colonies, and the preventing any obſtructions there to the commerce of this kingdom, are objects of their moſt ſerious attention, will enter upon the conſideration of theſe papers with an earneſt deſire to make ſuch proviſions as, upon mature deliberation, ſhall appear neceſſary and expedient for ſecuring the juſt dependence of the ſaid colonies upon the crown and parliament of Great Britain, and for enforcing a due obedience to the laws of this kingdom throughout all his Majeſty's dominions: and the ſaid papers, and his Majeſty's moſt gracious ſpeech, were likewiſe ordered to be taken into conſideration on Thurſday ſeven-night; and the Lords ſummoned.

On the 11th of March, the Earl of Dartmouth (by his Majeſty's command) laid before the Houſe more papers from America, relating to the diſturbances there, with regard to the importation of tea, together with a liſt thereof; and the ſame was read, and ordered to lie on the table, and to be taken into conſideration on Thurſday next.

On the 26th of March, a meſſage was brought from the Houſe of Commons, with a Bill, entitled, "An act to diſcontinue, in ſuch manner, and for ſuch time, as are therein mentioned, the landing and diſcharging, lading, or ſhipping of goods, wares, and merchandiſe, at the town, and within the harbour of Boſton, in the province of Maſſachuſett's-Bay, in North-America."

On the 28th of March, a petition of Mr. Sayer and others, natives of America, was preſented and read, praying, that the

ſaid bill may not paſs into a new law, which was ordered to lie on the table. Then the Houſe took into conſideration the ſeveral papers, and his Majeſty's moſt gracious meſſage; and the ſaid bill was read a ſecond time, and committed.

On the 30th of March, a petition of William Bolland, Eſq; agent for the council of the province of Maſſachuſett's-Bay, was preſented to the Houſe and read; he was called in, and heard at the Bar; and being withdrawn, the bill was read a third time, and paſſed *nem. diſſ.* and received the Royal Aſſent on the following day.

It appears to the committee, that, on the 25th of Jan. a great number of rioters in the town of Boſton, committed a moſt inhuman act of violence upon the perſon of John Malcolm, a preventive officer for the port of Falmouth in Caſco-Bay, who had lately ſeized a veſſel in that port for want of a regiſter: no complaint of irregularity was made againſt him; but it was thought proper, by the above rioters, to puniſh him by tarring and feathering him, (but without ſtripping him) and carrying him about in deriſion. This unfortunate man having afterwards been frequently hooted at in the ſtreets was provoked, on the 25th, by a tradeſman, who, he alledged, had ſeveral times before affronted him, to ſtrike him with his cane, in conſequence of which a warrant was iſſued againſt him; but the conſtable not being able to find him, a mob gathered about his houſe in the evening, and having broke his windows, he puſhed through the broken windows with his ſword, and gave a ſlight ſcratch to one of the aſſailants; ſoon after which the mob entered his houſe, lowered him by a rope from an upper chamber into a cart, tore his cloaths off, tarred his head and body, feathered him, and dragged him through the main ſtreet into King-ſtreet, from thence to Liberty Tree, and from thence to the Neck, as far as the gallows, where they whipped him, beat him with ſticks, and threatened to hang him. Having kept him under the gallows above an hour, they carried him back in the ſame manner to the extremity of the north end of the town, and returned him to his own houſe, and ſo benumbed by the cold, having been naked near four hours, and ſo bruiſed, that his life was deſpaired of. It appears that none but the loweſt claſs of the people were ſuſpected of having been concerned in it, and that Mr. Malcolm having for ſome time before been threatened by the populace

populace with revenge for his free and open declarations againſt the late proceedings, had occaſionally, indiſcreetly, given them provocation.

The Houſe of Repreſentatives of Maſſachuſett's-Bay, on the firſt of February, required the Chief Juſtice Oliver, and the four judges of the Superior Court, to declare, whether they would receive the grants of Aſſembly for their ſalaries, or accept their ſupport from the crown, and were anſwered by the four judges (they being fearful of making themſelves objects of popular reſentment, one of their number having been previouſly brought over to that conſent), that they would receive their ſalaries from the province; but by the Chief Juſtice, that he would continue to accept his ſupport from the crown: on the 11th of February, they remonſtrated to the Governor, that the ſaid Chief Juſtice Peter Oliver, having received his ſalary and reward out of the revenue unjuſtly and unconſtitutionally levied and extorted from the American colonies, and being determined to continue to receive it contrary to the known ſenſe of the body of people of the province, had thereby proved himſelf an enemy to its conſtitution, placed himſelf under an undue bias, and rendered himſelf diſqualified to hold his office any longer. And not having procured his removal from the governor, in conſequence of their remonſtrance, they paſſed a vote to adjourn the ſuperior court, which, by law, is to be held on the 15th of February, to the 22d of that month, to which the governor refuſed his aſſent; and complains, that he now conſiders himſelf as acting altogether on the defenſive, avoiding his conſent where he cannot juſtify it, deſtitute of any aid from any part of the legiſlature, or executive powers of government, in maintaining order when the breach of it is cauſed, or pretended to be cauſed, by ſuch acts of parliament, or ſuch exerciſe of his Majeſty's authority, as the people are taught by their leaders to call grievances.

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*A true ſtate of the Proceedings in the Parliament of Great-Britain, and in the Province of the Maſſachuſett's-Bay, relative to the giving and granting the Money of the People of that Province, and of all America, in the Houſe of Commons, in which they are not repreſented. Drawn up by Dr.* BENJAMIN FRANKLIN.

ON the 12th of November, 1761, Governor Bernard made the following ſpeech to both Houſes of Aſſembly, in the province of Maſſachuſett's-Bay:

"At the opening of this general court I had the pleaſure to obſerve upon the happy and propitious circumſtances that had attended the commencement of the preſent reign, and particularly the extinction of parties, and the general coalition of all parties in ſupport of his Majeſty's government; and I could not but expreſs my earneſt deſire that the ſame patriotic ſpirit which influenced Great Britain, might prevail throughout his Majeſty's American provinces, and eſpecially in this moſt ancient and moſt loyal of them.

"I was well perſuaded, that while I was ſpeaking to you on this ſubject, your ſentiments and mine were the ſame. I have been fully confirmed in this, as well by your declarations, as by your conduct conſequent thereto; and I have now all the aſſurance that I ſhall be aſſiſted and ſupported by you.

FRANCIS BERNARD."

On the 24th of April, 1762, his Excellency made the following ſpeech to the two Houſes:

"The unanimity and diſpatch with which you have complied with the requiſitions of his Majeſty require my particular acknowledgement, and it gives me additional pleaſure to obſerve, that you have therein acted under no other influence than a due ſenſe of your duty, both as members of a general empire, and as the body of a particular province.

"It will always be my deſire that freedom and independence ſhould prevail in your councils, and that the whole credit of your proceedings therein ſhould be placed to your own account. It will be a ſufficient honour for me to preſide over a people whoſe motives to loyalty and public ſpirit ariſe from their own breaſts.

FRANCIS BERNARD."

His Excellency again ſpoke as follows to the two Houſes of Aſſembly, on the 27th of May, 1762:

"Whatever ſhall be the event of the war, it muſt be no ſmall ſatisfaction to us, that this province hath contributed its ſmall ſhare to the ſupport of it. Every thing that has been required of it hath been moſt readily complied with; and the execution of the powers committed to me, for raiſing the provincial troops, hath been as full and complete as the grant of them was. Never before were regiments ſo eaſily levied, ſo well compoſed, and ſo early in the field, as they

they have been this year; the common people ſeemed to be animated with the ſpirit of the general court, and to vie with them in their readineſs to ſerve the King.

"The ample proviſion which has been already made, leaves me nothing to aſk for the immediate ſervice of the King.

FRANCIS BERNARD."

The following is a true copy of the meſſage which his Majeſty ſent down to the Houſe of Commons every year, from 1759, till the concluſion of the war:

GEORGE *Rex.*

26° *Die Aprilis* 1759°.

"HIS Majeſty being ſenſible of the zeal and vigour with which his faithful ſubjects in North-America have exerted themſelves in defence of his Majeſty's rights and poſſeſſions, recommends it to this Houſe to take the ſame into conſideration, and to enable his Majeſty to give them a proper compenſation for the expences incurred by the reſpective provinces, in the levying, cloathing, and pay of the troops raiſed by the ſame, according as the active vigour and ſtrenuous efforts of the reſpective provinces ſhall appear to merit.

G. R."

Upon which the Houſe reſolved, April 30th, "That a ſum not exceeding two hundred thouſand pounds be granted to his Majeſty upon account, to enable his Majeſty to give a proper compenſation to the reſpective provinces in North-America, for the expences incurred by them in the levying, clothing, and pay of the troops raiſed by the ſame, according as the active vigour and ſtrenuous efforts of the reſpective provinces ſhall be thought by his Majeſty to merit."

Similar reſolutions followed yearly every meſſage. And though this compenſation did not exceed one-fourth part of what they expended, they were ſatisfied with theſe moſt honourable of all teſtimonies, that they had not been backward in contributing their ſhare towards the general defence of the empire.

His Majeſty's Surveyor-general of the Northern diſtrict in America, tranſmitted to the Lords of the Treaſury in 1764, a charge of corruption in his office and colluſion with ſmugglers, ſupported by the oaths of credible witneſſes, againſt

Governor Bernard; for which the Surveyor-General received the thanks of the treaſury-board, and Governor Bernard was ſuffered ſtill to hold that office he had abuſed, and has been admitted as the principal accuſer and witneſs againſt the people of the Maſſachuſett's-Bay.

On the 10th of March, 1764, the Houſe of Commons reſolved, "That it may be proper to charge certain ſtamp duties in the colonies and plantations:" but did not at that time form any bill for the purpoſe.

On the 5th of April, 1764, an act paſſed for impoſing duties in America, by the Britiſh parliament, for the purpoſe of raiſing a revenue.

In conſequence of theſe proceedings, the Houſe of Repreſentatives of the Maſſachuſett's-Bay came to reſolutions, "That the ſole right of giving and granting the money of the people of that province, was veſted in them as their legal repreſentatives; and that the impoſition of taxes, by the Parliament of Great Britain, upon a people who are not repreſented in the Houſe of Commons, is abſolutely irreconcilable with their rights. That no man can juſtly take the property of another without his conſent, upon which original principle the right of repreſentation in the ſame body which exerciſes the power of making laws for levying taxes, one of the main pillars of the Britiſh Conſtitution, is evidently founded: that the extenſion of the powers of the court of admiralty within this province, is a moſt violent infraction of the right of trial by jury,—a right which this houſe, upon the principles of their Britiſh Anceſtors, hold moſt dear and ſacred, it being the only ſecurity of the lives, liberties, and property of his Majeſty's ſubjects. That this houſe owe the ſtricteſt allegiance to his moſt Sacred Majeſty King George the Third, and that they have the greateſt veneration for the Parliament.'

In February, 1765, a Bill for raiſing a revenue in America by duties on ſtamps, &c. received the royal aſſent. Petitions from the ſeveral aſſemblies of America againſt the paſſing of this act, were rejected by the Parliament, or not received, on the pretence of a rule, that petitions ſhould not be received againſt a money bill, and this was a money bill.

Upon the arrival of this act in America, every aſſembly on the continent came to reſolutions againſt the right of impoſing taxes upon them unrepreſented, and without their conſent.

conſent. The Houſe of Repreſentatives of the Maſſachuſett's-Bay, obſerving the little attention paid to ſeparate petitions, reſolved, 'That it was highly expedient there ſhould be a meeting as ſoon as might be, of committees from the Houſes of Repreſentatives in the ſeveral colonies on the American continent to conſult on the preſent circumſtances, and the difficulties to which they were reduced by the operation of the late acts of Parliament for levying duties on the colonies, and to conſider of a general addreſs to his Majeſty and the Parliament, to implore relief. Letters were tranſmitted accordingly to the Speakers of the other Aſſemblies, and three perſons elected to attend a congreſs on the part of this province.

In the mean time ſome diſturbances aroſe in the town of Boſton. The repreſentation of theſe diſturbances was inflamed with the ſtrongeſt colouring in various letters from Governor Bernard to the Lords of Trade, though he knew the inhabitants had publicly condemned theſe proceedings, as appears from the following vote of the town:

*At a legal Meeting of the Freeholders and other Inhabitants of the Town of Boſton, at Fanueil Hall, Auguſt* 27, 1765.

The town having an utter deteſtation of the extraordinary and violent proceedings of a number of perſons unknown, againſt ſome of the inhabitants of the ſame, laſt night,—vote unanimouſly, that the ſelect men and magiſtrates of the town be deſired to uſe their utmoſt endeavours, agreeable to law, to ſuppreſs the like diſorders for the future, and that the freeholders and other inhabitants will do every thing in their power to aſſiſt them therein.

Voted, that the inhabitants of this town will be ready on all occaſions to aſſiſt the ſelect men and magiſtrates in the ſuppreſſion of all diſorders of a like nature that may happen, when called upon for that purpoſe.

*Att. William Cooper, Town Clerk.*'

In truth, the whole proved to be nothing more than ſome injury offered to a private property, for which the aſſembly afterwards voted a compenſation.

On the 25th of October, 1765, there being no ſtamp papers, the council and Houſe of Repreſentatives, to avoid the miſchievous conſequences of a total ſtop to all public buſineſs,

buſineſs, reſolved, that it might be lawful to do buſineſs without ſtamps.

The congreſs conſiſting of a Committee of Repreſentatives from ſeveral provinces, met at New-York the firſt of Oct. 1765. The motives and views with which the congreſs was called, are thus ſtated by the Houſe of Repreſentatives of Maſſachuſett's-Bay: "Had the colonies been fully heard by the Parliament, it is poſſible their deciſions with reſpect to the late acts for levying duties and taxes on the colonies, might have been different. However, the Houſe of Repreſentatives think it their duty not to ceaſe petitioning, and have accordingly, this preſent ſeſſions, wrote to the Speakers of the ſeveral Houſes of Repreſentatives of the ſeveral colonies on the continent, propoſing a meeting at New-York on the firſt Tueſday of October next, of committees of the Houſes of Repreſentatives of the ſeveral colonies, to conſult together on their preſent circumſtances, and the difficulties to which they are and muſt be reduced by the operation of the late acts of parliament, and to prepare an united, dutiful, humble, and loyal repreſentation of their condition to his Majeſty and his Parliament, imploring relief. And it is humbly hoped, that decent and dutiful applications for the preventing, or even altering ſuch acts of Parliament as they apprehend can be made to appear to be grievous, will not be thought ſufficient grounds to charge us with the want of the moſt profound reſpect for that auguſt body. In confidence of having free acceſs to that fountain of national juſtice, the Houſe reſt aſſured that all neceſſary relief will be afforded, and that the liberties and privileges their conſtituents at preſent enjoy, will remain ſecure.

(Signed) SAMUEL WHITE, Speaker.'

The congreſs ſummoned upon theſe principles, met and acted upon them. They reſolved, 'That the only repreſentatives of the people of the colonies are perſons choſen therein by themſelves, and that no taxes ever have been, or can be, conſtitutionally impoſed upon them, but by their reſpective legiſlatures. That all ſupplies to the crown being free gifts of the people, it is unreaſonable and inconſiſtent with the principles and ſpirit of the Britiſh conſtitution, for the people of Great Britain to grant to his Majeſty the property of the coloniſts. That it is the indiſpenſable duty of theſe colonies to the beſt of ſovereigns, to the mother country, and

and themſelves, to endeavour, by a loyal and dutiful addreſs to his Majeſty, and humble applications to both Houſes of Parliament, to procure the repeal of the act for granting and applying certain ſtamp duties, of all clauſes of any other act of Parliament whereby the juriſdiction of the Admiralty is extended, and of the other late acts for the reſtriction of American commerce.'

They alſo drew up a petition to the King, in which they ſay, 'Our ſubordinate legiſlatures are in effect rendered uſeleſs by the late acts of Parliament impoſing duties and taxes on theſe colonies, and extending the juriſdiction of the courts of admiralty beyond its antient limit: ſtatutes by which your Majeſty's commons in Great Britain undertake abſolutely to diſpoſe of the property of their fellow-ſubjects in America without their conſent, and for the inforcing whereof they are ſubjected to the determination of a ſingle judge, in a court unreſtrained by the wiſe rules of the common law, the birthright of Engliſhmen, and the ſafeguard of their perſons and properties.

'The invaluable rights of taxing ourſelves, and trial by our peers, of which we implore your Majeſty's protection, are not, we moſt humbly conceive, unconſtitutional, but confirmed by the great charter of Engliſh Liberty. On the firſt of theſe rights, the Honourable the Houſe of Commons found their practice of originating money bills—a right enjoyed by the Kingdom of Ireland; by the Clergy of England, till relinquiſhed by themſelves—a right, in fine, which all other your Majeſty's Engliſh ſubjects, both within and without the realm, have hitherto enjoyed.'

So far were they from any thought or deſire to draw into queſtion, or to deny the ſovereignty of his Majeſty in his Parliament, or to arrogate to themſelves the ſole right of making laws, that, in their petition to the Houſe of Commons, they declare the reverſe in theſe words:

'We moſt ſincerely recognize our allegiance to the crown, and acknowledge all due ſubordination to the Parliament of Great Britain, and ſhall always retain the moſt grateful ſenſe of their aſſiſtance and protection. We eſteem our dependence on, and connection with Great Britain, as one of our greateſt bleſſings, and apprehend the former will appear to be ſufficiently ſecure, when it is conſidered, that the inhabitants in the colonies have the moſt undoubted affection for his Majeſty's perſon, family, and government,

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as well as for the mother country, and that their ſubordination to the Parliament, is univerſally acknowledged.'

Theſe petitions however were not received, on pretence of their being from a body not legally aſſembled, and unknown to the conſtitution.

In January, 1766, the Houſe of Repreſentatives were obliged to complain of Governor Bernard's having, together with his council, aſſumed a legiſlative power, in ordering an act of Parliament, or as he ſtiles it an ordinance, to be regiſtered among the laws of the province; which was never done before, but by act of Aſſembly *. This juſt complaint againſt the uſurpation of the Governor, has been invidiouſly repreſented as an attack upon the authority of Parliament ‡, whereas in truth it had no relation to that authority.

In January, 1766, petitions were preſented from the merchants of London, Briſtol, and Glaſgow, to both Houſes of Parliament, repreſenting the great injury that would acrue to their property, and to the commerce of this Kingdom, from the operation of the Stamp Act, and praying for its repeal.

The repeal of it took plaee accordingly on the 19th of March following.

The Aſſembly of Maſſachuſett's-Bay, upon the repeal being known, formed and tranſmitted an humble addreſs of thanks to his Majeſty, and letters of the moſt grateful acknowledgement to their illuſtrious patrons and friends in either Houſe of Parliament. Soon after this paſſed a bill for granting compenſation to the ſufferers during the diſorders occaſioned by the Stamp Act; agreeably to his Majeſty's recommendation, in conſequence of the addreſs of both Houſes of Parliament, his Majeſty's pleaſure being ſignified to them by Mr. Secretary Conway.

The Aſſembly alſo conformed themſelves to the Mutiny-act, though it touched the privilege of granting freely their money, for which they had ſo ſtrenuouſly contended. But they

* But the moſt intereſting objection, which is not avowed, and therefore cannot receive a formal anſwer, is, that an American repreſentation will take away all pretences for diſputing the ordinances of Parliament. Governor Bernard's letter 1764, p. 90. And again, p. 109, and 82.

‡ See extract of Governor Bernard's letter in the Lords report, p. 11.

they complied, as well from an abhorrence of renewing the late diſpute which had given them ſo much pain, as from a confidence in his Majeſty's then ſervants, whom they regarded as friendly to their liberties and rights.

Their ſatisfaction in, and gratitude for the repeal of the ſtamp act, produced a conduct ſo ſtudiouſly void of offence, that Governor Bernard could not avoid giving his teſtimony of it in his letters to the Earl of Shelburne, Secretary of State, as follows:

'The Houſe from the time of opening the ſeſſion to this day, has ſhewn a diſpoſition to avoid all diſpute with me; every thing having paſſed with as much good-humour as I could deſire, except only their continuing to act in addreſſing the King, remonſtrating to the Secretary of State, and employing a ſeparate Agent. It is the importance of this innovation, without any wilfulneſs of my own, which induces me to make this remonſtrance, at a time when I have a fair proſpect of having, in all other buſineſs, nothing but good to ſay of the proceedings of this Houſe.

'They have acted in all things, even in their remonſtrance, with temper and moderation; they have avoided ſome ſubjects of diſpute, and have laid a foundation for removing ſome cauſes of former altercation.

'I ſhall make ſuch a prudent and proper uſe of this letter, as I hope will perfectly reſtore the peace and tranquility of this province, for which purpoſe conſiderable ſteps have already been made by the Houſe of Repreſentatives.'

Such was the temper and moderation with which the people were diſpoſed to ſeek relief from the grievances they felt. We ſhall preſently ſee what ſteps were artfully taken to move them from that moderation, and compel the mob into riots and tumults, which were to be viſited upon the town, and made the pretext for introducing a military force.

The new revenue act paſſed on the 29th of June, 1767; a little more than a year after the repeal of the ſtamp act.

The Houſe of Repreſentatives, in their petition to the King, touching this act, expreſsly acknowledge the ſupreme power of Parliament. 'With great ſincerity, permit us, (ſay they,) to aſſure your Majeſty, that your ſubjects of this province ever have, and ſtill continue to acknowledge your Majeſty's High Court of Parliament the ſupreme legiſlative power of the whole empire.'

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In their letters to the miniſtry, they ſay, 'The ſubjects in this province, and undoubtedly in all the colonies, however they may have been otherwiſe repreſented to his Majeſty's miniſters, are loyal; they are firmly attached to the mother ſtate; they always conſider her intereſt and their own as inſeparably interwoven, and it is their fervent wiſh that it may ever ſo remain. All they deſire is, to be reſtored to the ſtanding upon which they were originally put, to have the honour and privilege of voluntary contributing to the aid of their ſovereign when required. They are free ſubjects; and it is hoped the nation will never conſider them as in a tributary ſtate.' And again, 'All they deſire is to be placed on their original ſtanding, that they may ſtill be happy in the enjoyment of their invaluable privileges, and the nation may ſtill reap the advantage of their growth and proſperity.'

That their prayers might be more likely to obtain ſucceſs from being united with the ſupplications of all the colonies, they tranſmitted a circular letter to the other aſſemblies, informing them—'That the Houſe had humbly repreſented to the miniſtry their own ſentiments; that his Majeſty's high Court of Parliament is the ſupreme legiſlative power over the whole empire; that in all free ſtates the conſtitution is fixed; and as the ſupreme legiſlature derives its power and authority from the conſtitution, it cannot overleap the bounds of it, without deſtroying its own foundation. That the conſtitution aſcertains and limits both ſovereignty and allegiance, and, therefore, his Majeſty's American ſubjects, who acknowledge themſelves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the Engliſh conſtitution. That it is an eſſential, unalterable right in nature, ingrafted into the Britiſh conſtitution as a fundamental law, and ever held ſacred and irrevocable by the ſubjects within the realm, that what a man has honeſtly acquired is abſolutely his own, which he may freely give, but which cannot be taken from him without his conſent. That the American ſubjects may, therefore, excluſive of any conſideration of charter rights, with a decent firmneſs adapted to the character of freemen and ſubjects, aſſert this natural conſtitutional right.' They add—'That as they have too much reaſon to believe, that the enemies of the colonies have repreſented them to his Majeſty's miniſters and the parliament, as factious, diſloyal, and ſhewing

ing a diſpoſition to make themſelves independent of the mother country, they have taken occaſion, in the moſt humble terms, to aſſure his Majeſty and his miniſters, that, with regard to the people of this province, and, as they doubt not, of all the colonies, that charge is unjuſt.'

In conſequence of this, Governor Bernard laid before the houſe, on the 21ſt of June, 1768, the following requiſition:

'It gives great concern to his Majeſty to find, that the ſame moderation which appeared by your letter to have been adopted at the beginning of the ſeſſion, in a full aſſembly, had not continued; and that inſtead of that ſpirit of prudence and reſpect to the conſtitution, which ſeemed at that time to influence the conduct of a large majority of the members, a thin houſe at the end of the ſeſſion ſhould have preſumed to revert to, and reſolve upon a meaſure of ſo inflammatory a nature as that of writing to the other colonies, on the ſubject of their intended repreſentation againſt ſome late acts of Parliament. His Majeſty conſiders this ſtep as evidently tending to create unwarrantable combinations, to excite an unjuſtifiable oppoſition to the conſtitutional authority of Parliament, and to revive thoſe unhappy diviſions and diſtractions, which have operated ſo prejudicially to the true intereſts of Great Britain and the colonies. It is the King's pleaſure, that ſo ſoon as the general court is again aſſembled at the time preſcribed by the charter, you ſhould require of the Houſe of Repreſentatives, in his Majeſty's name, to reſcind the reſolution which gave birth to the circular letter from the Speaker, and to declare their diſapprobation of, and diſſent to that raſh and haſty proceeding. His Majeſty has the fulleſt reliance upon the affection of his good ſubjects in the Maſſachuſett's-Bay, and has obſerved with ſatisfaction, the ſpirit of decency, and love of order, which has diſcovered itſelf in the conduct of the moſt conſiderable of its inhabitants.——If the new aſſembly ſhould refuſe to comply with his Majeſty's reaſonable expectation, it is the King's pleaſure that you ſhould immediately diſſolve them.

*Whitehall, April* 22, 1768. HILLSBOROUGH.'

This letter produced univerſal apprehenſion and diſcontent not only in the Maſſachuſett's-Bay, but in all America. A demand, attended with a penalty of diſſolution, ſeemed a com-

command, not a requiſition, leaving no deliberative or diſcretionary power in the aſſembly; and the ground of it being a petition to the King, guarded with a moſt explicit declaration of the ſupreme legiſlative power of Parliament, it wore the ſevere and dreadful appearance of a penal prohibition againſt petitioning. It was in effect ſaying, you ſhall not even preſume to complain; and reducing them below the common ſtate of ſlavery, in which, if men complain, with decency, they are heard, unleſs their maſters happen to be monſters. It warmed moderation into zeal, and inflamed zeal into rage. Yet ſtill there appeared a diſpoſition to expreſs their grievances in humble petitions. All the aſſemblies on the continent, in anſwer to a requiſition of ſimilar import to that already mentioned, aſſerted the right of the ſubject to the petition for redreſs of grievances. They joined in petitions, ſtating the impoſition of taxes upon them without their conſent, and the abolition of juries in revenue cauſes, as intolerable grievances, from which they prayed relief.

The Houſe of Repreſentatives of Maſſachuſett's-Bay drew up a letter to the Earl of Hillſborough, Secretary of State, in which they vindicate their conduct from the aſperſions thrown upon it in the Governor's letters; and add, 'It is an inexpreſſible grief to the people of this province, to find repeated cenſures falling upon them, not from Miniſters of State alone, but from Majeſty itſelf, grounded on letters and accuſations from the Governor, a ſight of which, though repeatedly requeſted of his Excellency, is refuſed. There is no evil of this life, which they ſo ſenſibly feel, as the diſpleaſure of their ſovereign. It is a puniſhment which they are ſure his Majeſty will never inflict, but upon a repreſentation of the juſtice of it, from his ſervants, in whom he confides. Your Lordſhip will allow the houſe to appeal to your own candour, upon the hardſhip of their being made to ſuffer a ſevere misfortune, without their ever being called to anſwer for themſelves, or ever made acquainted with the matters of charge alledged againſt them; a right, to which, by the common rules of ſociety, founded in the eternal laws of reaſon and equity, they are juſtly entitled. The Houſe of Repreſentatives of this province have more than once, during the adminiſtration of Governor Bernard, been under the neceſſity of entreating his Majeſty's miniſters to ſuſpend their further judgment upon ſuch repreſentations of the temper

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of the people, and the conduct of the assembly, as they were able to make appear to be injurious. The same indulgence this House beg of your Lordship; and beseech your Lordship to patronize them so far as to make a favourable representation of their conduct to the King our Sovereign: it being the highest ambition of this house, and of the people whom they represent, to stand before his Majesty in their just character, of affectionate and loyal subjects.'

On the 10th of June a seizure was made of a sloop fastened to the wharf, with an armed force, and the seizure carried by violence to the Man of War. That this seizure was made with every circumstance of violence and insult which could irritate a mob, is proved by the oaths of 13 eye-witnesses, whose credibility has never been impeached. Unhappily the irritation suceeded but too well. The collector and comptroller who made the seizure in that manner, were treated with great indignity and personal injury by the mob *.

About the same time the Captains of the men of war lying in the harbour at Boston, pressed some seamen belonging to the town, in violation of an act of Parliament for the encouragement of trade in America, which says, 6 Anne, chap. 27. §. 9. "No mariner, or other person, who shall serve on board, or be retained to serve on board, any privateer, or trading ship or vessel, that shall be employed in any part of America, nor any mariner, or person, being on shore in any part thereof, shall be liable to be impressed or taken away, by any officer or officers of or belonging to his Majesty's ships of war."

The inhabitants of Boston, to prevent the tumults which might be apprehended from so dangerous an infraction of law, were assembled, and drew up a petition to the Governor, praying his interposition to prevent such alarming out-



* That the seizure was unjust is plain from this, that they were obliged to restore the vessel, after detaining her a long time, not being able to find any evidence to support a prosecution. The suits too for enormous sums against a number of persons, brought in the court of admiralty, being found insupportable, were, after long continuance, to the great expence and trouble of their persons, dropt, by a declaration of the King's advocate that his Majesty would prosecute no farther; —but the prosecuted could obtain no costs or damages, for so is the law.

rages. The Governor, however, refuſed upon various pretexts, to interfere.

The following words of their petition will ſhew to what ſtate of alarm, anxiety, and deſpair, theſe proceedings had reduced them. 'Dutiful petitions, ſay they, have been prefered to our moſt gracious Sovereign, to which (though to the great conſternation of the people, we now learn they have been cruelly and inſidiouſly prevented from reaching the royal preſence) we have waited to receive a gracious anſwer, with the greateſt attention to the public peace, until we find ourſelves invaded with an armed force, ſeizing, impreſſing, and impriſoning the perſons of our fellow ſubjects, contrary to expreſs acts of Parliament. Menaces have been thrown out fit only for Barbarians, which already affect us in the moſt ſenſible manner, and threaten us with famine and deſolation, as all navigation is obſtructed, upon which alone our whole ſupport depends, and the town is at this criſis in a ſituation nearly ſuch as if war were formally declared againſt it.

'To contend againſt our Parent State is, in our idea, the moſt ſhocking and dreadful extremity; but tamely to relinquiſh the only ſecurity we and our poſterity retain of the enjoyment of our lives and properties, without one ſtruggle, is ſo humiliating and baſe, that we cannot ſupport the reflection. We apprehend, Sir, that it is in your option, in your power, and we would hope in your inclination, to prevent this diſtreſſed and juſtly incenſed people from effecting too much, or from the ſhame and reproach of attempting too little.'

The riot upon the ſeizure of the ſloop was exaggerated into treaſon and rebellion. The commiſſioners fled from the town in pretended fear of their lives; affidavits were taken in ſecret and *ex parte*, and the comptroller Mr. Hallowell was diſpatched home, to give adminiſtration the moſt horrible idea of the people. Governor Bernard's letters to the Secretary of State contained a direct charge of treaſon againſt forty perſons, not one of whom was proſecuted, becauſe the whole was a forgery, calculated to meet the change of ſyſtem which Governor Bernard has ſince informed us, they then knew had taken place at London, and encourage the rigorous meaſures which the new ſyſtem was to purſue.

Unhappily it ſucceeded too well. Troops were ſent to Boſton, where they landed the 1ſt of October, 1768. But a dif-

difficulty now aroſe, about quartering the troops in the town, contrary to an act of Parliament. The Governor, however, ſoon determined to cut the knot he could not untie. He therefore iſſued a commiſſion, to diſpenſe with the law and eſtabliſh quarters for the troops in the town. I ſpeak from his own letter.

Thus the people ſaw two acts of Parliament, made for their protection, wantonly and with impunity violated, while thoſe which were to their feelings highly unjuſt and oppreſſive, were to be rigorouſly executed with a military force. Nothing could be deviſed more irritating, except the manner in which the quartering the ſoldiers was executed. They filled the general aſſembly room, the court houſe, and Fanueil hall, where the town meetings were aſſembled. When the general aſſembly met, the main guard was planted with a number of field-pieces at, and pointed into the very door of the aſſembly houſe. Every ſpecies of inſult and outrage was, as if purpoſely, practiſed to drive the people into ſome violent act, which ſhould juſtify the letting looſe the military upon them.

In conſequence of the various violation of thoſe laws which ſhould have protected them, the minds of the people were in the moſt dangerous ſtate of alarm and agitation. To prevent the deſtructive commotions which might be apprehended from ſuch a diſpoſition, the moderate and well diſpoſed inhabitants of Boſton petitioned the Governor to call an aſſembly, that the popular turbulence might be quieted by their confidence in and reſpect for their own legiſlature. The Governor, however, thought proper to refuſe them this relief; they therefore ſummoned a convention of deputies from the different townſhips, as the only means of compoſing the agitation of men's minds, (from which they otherwiſe expected the worſt conſequences,) by their confidence in perſons deputed by themſelves, to enter into a wiſe and cool conſideration of their grievances, and the conſtitutional means of obtaining redreſs. The ſelect men of Boſton have expreſſed theſe motives in the following paſſage of their circular letter:—'Deprived of the counſels of a general aſſembly in this dark and difficult ſeaſon, the loyal people of this province will, we are perſuaded, immediately perceive the propriety and utility of the propoſed committee of convention, and the ſound and wholeſome advice that may be expected from a number of gentlemen choſen by themſelves,

and in whom they may repoſe the greateſt confidence, muſt tend to the real ſervice of our moſt gracious Sovereign, and the welfare of his ſubjects in this province, and may happily prevent any ſudden and unconnected meaſures, which, in their preſent anxiety, and even agony of mind, they may be in danger of falling into.'

The convention met on the 22d of September, 1768, and drew up an humble petition to his Majeſty, imploring relief. 'With great ſincerity, ſay they, permit us to aſſure your Majeſty, that your ſubjects of this province, of which we are a part, ever have acknowledged, and ſtill continue to acknowledge your Majeſty's high Court of Parliament the ſupreme legiſlative power of the whole empire. The ſuperintending authority of which is clearly admitted in all caſes that can conſiſt with the fundamental rights of nature, and the conſtitution to which your Majeſty's happy ſubjects in all parts of your empire conceive they have a juſt and equitable claim.

'It is therefore with the deepeſt concern that your humble ſuppliants would repreſent to your Majeſty, that your Parliament, the rectitude of whoſe intentions is never to be queſtioned, has thought proper to paſs divers acts, impoſing taxes on your Majeſty's ſubjects in America, with the ſole and expreſs purpoſe of raiſing a revenue. If your Majeſty's ſubjects here ſhall be deprived of the honour and privilege of voluntarily contributing their aid to your Majeſty in ſupporting your government and authority in the province, and defending and ſecuring your rights and territories in America, which they have always hitherto done with the utmoſt cheerfulneſs: if theſe acts of Parliament ſhall remain in force; and your Majeſty's Commons in Great Britain ſhall continue to exerciſe the power of granting the property of their fellow ſubjects in this province, your people muſt then regret their unhappy fate, in having only the name of free ſubjects.'

The troops which had landed at Boſton without the leaſt oppoſition, determined, as it was natural to expect, to make the diſturbance they were diſappointed in not finding. They offered a variety of inſults to the peaceable inhabitants, and one of their officers was detected in attempting to excite the Negroes to rebel; till at laſt a party of ſoldiers under the command of Captain Preſton, fired upon the people on the

5th

5th of March 1769, killing ſix, and wounding many more. So intolerable an outrage aſſembled the people, who were ſo much incenſed, that it was thought prudent for the troops to evacuate the town.

The removal of the troops reſtored the tranquillity of the town and the good-humour of the people, the principal of whom exerted themſelves to palliate the conduct of Captain Preſton, and obtain for him a favourable trial. To this end he was tried ſeparately from the ſoldiers, and he was acquitted, becauſe no evidence could depoſe that they heard him give orders to fire.—Indeed, the noiſe of the tumult was ſo great, that if he had given ſuch orders, which he denied, none could have heard him but the ſoldiers among whom he ſtood.—When the ſoldiers came to be tried, they pleaded the orders of their Captain, which they durſt not diſobey. And on the behalf of this as a truth, the humane jury acquitted them alſo. An inſtance of great temper and equity in a people ſo exaſperated.

It was not however intended that the quiet of the town and province ſhould continue long. New modes of irritation were applied, to drive the people into violence and deſpair.

Mr. Robinſon, one of the commiſſioners who had attempted to aſſaſſinate Mr. Otis, was diſpatched to England immediately after the affair of the 5th of March, with a caſe ſaid to be that of Captain Preſton, though directly repugnant to what he had publiſhed under his own hand. This caſe had been ſecretly drawn up, and was as ſecretly tranſmitted. The purpoſe of it was to throw the charge of being the aggreſſors upon the people, and that the ſoldiers fired upon them in their own defence, and to ſave the cuſtom-houſe from being plundered. This ſtatement was accompanied by minutes of council framed by the Secretary himſelf, and ſecretly ſworn to, in which one of his Majeſty's council was repreſented, as declaring that there had been a premeditated deſign and plan of a general inſurrection formed by the people, of which this attack upon the guard was the firſt ſtep. Abſurd as it was to ſuppoſe that the people had planned and began to execute an inſurrection, and yet not a man appear in arms, for no ſuch thing was pretended, ſtill the example of the ſucceſs and impunity with which Governor Bernard had accuſed them ſpecifically of treaſon, without being able to prove a tittle of it, was

enough to encourage Governor Hutchinſon, and his Brother-in-law the Secretary, to repeat a ſimilar charge on this occaſion, which they knew would operate for the time, and being made ſecretly, they truſted it would not be known, ſo as to meet a refutation. Mr. Commiſſioner Robinſon arrived in London, and his State, &c. was circulated through the miniſtry and members of parliament, and, ſupported by his perſonal applications, inflamed them againſt the province. In the mean time, the town proceeded to draw up their narrative of the affair founded upon affidavits taken openly, with notice given to all perſons concerned to attend and croſs-examine the witneſſes. Upon this open and fair enquiry, it appeared by the teſtimony of near an hundred perſons, that the ſoldiers were the aggreſſors, having fired upon the people without ſufficient provocation, and without the intervention of, or even application to the civil magiſtrate.

It was not until October 1770, that the repreſentation and affidavit of their ſecretary, Mr. Oliver, reached his Majeſty's council at Boſton, in a pamphlet which had been publiſhed in London, to juſtify the proceedings of the military on the 5th of March 1769, and accuſe the people. The member to whom he had imputed the words, which were calculated to convey the idea of an inſurrection having been planned by the people, publicly made oath, that the Secretary had miſrepreſented his words, and that he never knew, or heard, or even thought of any ſuch Plan. The other members of council who were preſent alſo made oath, that Mr. Oliver's account was a miſrepreſentation; and the council came unanimouſly to the following reſolutions: "That Andrew Oliver, Eſq. ſecretary of this province, by ſecretly taking minutes at council, of what was ſaid by the members of the council, in their debates, alſo by ſigning a paper containing thoſe minutes, and further by giving his depoſition to the truth of it, has, in each and all thoſe inſtances, acted inconſiſtent with the duty of his office, and thereby is guilty of a breach of truſt."

Mr. Oliver, thus ſtigmatized, was ſoon after appointed lieutenant-governor of the province. Unhappily this wore the appearance of rewarding him for his treachery to the council and his enmity to the people, which tended neceſſarily to diminiſh the confidence and reſpect due to government, and to ſpread diſcontent through the province.

On

On the 13th of May 1770, Governor Hutchinſon held the aſſembly at Cambridge, obliging them to quit Boſton, where all the public records and conveniencies for carrying on buſineſs, were lodged. The two Houſes remonſtrated againſt this, not only as highly inconvenient and diſtreſſing to them, and an embarraſſment to public buſineſs, but an infringement of their chartered rights. Notwithſtanding this, the aſſembly was continued there for two ſeſſions without any reaſon being given but mere will and pleaſure (ſignified in inſtructions from the miniſter) and then it was adjourned to Boſton, not as an act of graciouſneſs, but of caprice. It was impoſſible but that ſuch proceedings muſt have irritated men's minds, and raiſed among all ranks of people a ſpirit of diſcontent and diſtruſt. *

The proceedings in England were not more conciliating.

Governor Bernard had, by various falſe and inflammatory repreſentations concentered upon the province the whole force of royal and parliamentary indignation. He had expreſsly accuſed certain perſons of a treaſonable deſign, their names, as he pretended, being enrolled for the purpoſe, to ſeize the caſtle and turn it againſt the King's troops.

This intelligence produced the following addreſs from the Houſe of Lords to the King, on the 15th of December 1768, concurred in by the Commons on the 9th of February 1769.

" As we conceive, that nothing can be more immediately neceſſary, either for the maintenance of his Majeſty's authority in the ſaid province, or from guarding his Majeſty's ſubjects therein from being further deluded by the arts of wicked and deſigning men, than to proceed in the moſt ſpeedy and effectual manner for bringing to condign puniſhment the chief authors and inſtigators of the late diſorders, to beſeech his Majeſty, that he will be graciouſly pleaſed to direct his Majeſty's Governor of Maſſachuſetts-Bay to take the moſt

 effectual

* The Aſſembly of South Carolina was about the ſame time removed from Charleſtown to Port Royal, a remote place unfit to accommodate them. This method of harraſſing aſſemblies into the meaſures of a miniſtry, ſeems borrowed from the favourite miniſter of Henry III. who, " to work his ends (as Gaſcoign tells us) cauſed the Parliament to ſit *in villibus et remotis partibus regni*, where few people, *propter defectum hoſpitii et victualium*, could attend, and by ſhifting that aſſembly from place to place to enforce (in the author's words) *illos paucos qui remanebunt de communitate regni, concedere regi quamvis peſſima.*"

effectual methods for procuring the fulleſt information that can be obtained touching all treaſons, or miſpriſions of treaſon, committed within his government ſince the 30th day of December laſt, and to tranſmit the ſame, together with the names of the perſons who were the moſt active in the commiſſion of ſuch offences, to one of his Majeſty's principal ſecretaries of ſtate, in order that his Majeſty may iſſue a ſpecial commiſſion for enquiring of, hearing and determining the ſaid offences within this realm, purſuant to the proviſions of the ſtatute of the 35th year of the reign of King Henry the Eighth, if his Majeſty ſhall, upon receiving the ſaid information, ſee ſufficient ground for ſuch a proceeding."

*His Majeſty's anſwer was:*

"I ſhall not fail to give thoſe orders which you recommend, as the moſt effectual method of bringing the authors of the late unhappy diſorders in that province to condign puniſhment."

But Governor Bernard thus armed with all the powers of government, was unable to ſubſtantiate his accuſation againſt a ſingle perſon. The purpoſes for which the accuſation was deviſed were fully anſwered. An odium had been fixed upon the people, a military force had been ſent, which promiſed to create the very rebellion he had falſely declared to exiſt, for the purpoſe of procuring that force.

The manner in which he proceeded in his endeavours to ſtir up reſiſtance and create diſorders, is thus deſcribed in the narrative of the town, and which he has never been able to contradict.

'Governor Bernard, without conſulting the council, having given up the ſtate houſe to the troops at their landing, they took poſſeſſion of the chambers where the repreſentatives of the province and the court of law held their meetings; and (except the council chamber) of all other parts of that houſe; in which they continued a conſiderable time, to the great annoyance of thoſe courts while they ſat, and of the merchants and gentlemen of the town, who had always made the lower floor of it their exchange. They had a right ſo to do, as the property of it was in the town; but they were deprived of that right by mere power.—The ſaid Governor ſoon after, by every ſtratagem and method, but a forcible entry, endeavoured to get poſſeſſion of the manufactory houſe, to make a barrack of it for the troops; and

and for that porpoſe cauſed it to be beſieged by the troops, and the people in it to be uſed very cruelly; which extraordinary proceedings created univerſal uneaſineſs, ariſing from the apprehenſion that the troops, under the influence of ſuch a man, would be employed to effect the moſt dangerous purpoſes; but failing of that, other houſes were procured, in which, contrary to act of Parliament, he cauſed the troops to be quartered. After their quarters were thus ſettled, the main guard was poſted at one of the ſaid houſes, directly oppoſite to, and not twelve yards from the ſtate houſe, (where the general court and all the law courts for the county were held) with two field pieces pointed to the ſtate houſe. This ſituation of the main guard and field pieces ſeemed to indicate an attack upon the conſtitution, and a defiance of law; and to be intended to affront the legiſlative and executive authority of the province.'

The general court, at the firſt ſeſſion after the arrival of the troops, viewed it in this light, and applied to Governor Bernard to remove ſuch an offence, but to no purpoſe. Diſguſted at ſuch an indignity, and at the appearance of being under dureſſe, they refuſed to do buſineſs in ſuch a ſituation, and were removed to another place, to the great inconvenience of the members.

Beſides this, the challenging the inhabitants by centinels poſted in all parts of the town, occaſioned many quarrels and great uneaſineſs. It was fully proved againſt Captain Wilſon of the 52th Regiment, that he was exciting the Negroes of the town to take away their maſters lives and property, and repair to the army for protection. To theſe were added various outrages, ſuch as the ſoldiers attacking and inſulting the magiſtrates of the town, reſcuing their fellows from the peace officers, firing loaded muſkets in the ſtreets to the great alarm and danger of the peaceable inhabitants, and wounding perſons frequently and wantonly with their bayonets and cutlaſſes.

Theſe inſults and outrages did not, however, produce the inſurrection that was wiſhed; but an humble petition from the repreſentatives of the people to his Majeſty againſt the author of all thoſe evils, Governor Bernard.

This petition was voted the 27th of June 1769. The governor prorogued the aſſembly to January 10th, 1770, and came over to England. On the 25th of October, he preſented a petition to bring the charges againſt him to a hearing.

hearing. In the mean time orders were ſent to the lieutenant-governor, Mr. Hutchinſon, to prorogue the aſſembly to the 14th of March, which was done accordingly. Notwithſtanding the agent repreſented the impoſſibility of the aſſembly even knowing that their petition was to be heard, much leſs tranſmitting evidence in ſupport of the allegations it contained, that this impoſſibility was created by the very perſon accuſed, and who, in the face of that, called upon them to ſupport their charge, to which the agent added an humble prayer, that the hearing might be deferred till convenient time was given for the meeting of the aſſembly and tranſmiſſion of evidence: yet the petition was ordered peremptorily to a hearing on the 28th of February, when, in default of evidence, the ſeveral charges in it were declared groundleſs, vexatious, and ſcandalous, and that the petitioning could only be with a view of keeping up a ſpirit of clamour and diſcontent in the ſaid province.

Thus the people had the grief and mortification to find, that whether they were the accuſers or the accuſed, they were ſure of being cenſured and condemned. This man had been inſtrumental in bringing upon them the odium of diſaffection and rebellion; he had ſhut the ear of the King and parliament againſt their applications for redreſs of grievances; he had contributed to the having a military force ſent to dragoon them; he had, in violation of an expreſs act of parliament, quartered thoſe troops in their town, with every circumſtance of inſolence and outrage; he had ſubjected them to the intolerable oppreſſion of being dragged three thouſand miles, upon mere ſuſpicion, to ſtruggle for their lives and property, without friends and without witneſſes, againſt all the force of miniſterial proſecution. Yet it was conceived that any petition againſt ſuch a man could only flow from factious motives, and becauſe his own agency in proroguing the aſſembly rendered it impoſſible they ſhould even know it was required of them to ſupport their charges againſt them, thoſe charges were pronounced groundleſs and malicious. With the feelings of men they could not but be ſenſibly affected by theſe proceedings, which, to ſpeak in the language of the poet, preaching to ſtones would make them capable.

To heighten the colouring of theſe tranſactions, orders were ſent in 1771 to the Governor, to refuſe his aſſent to any tax bill which ſhould include the commiſſioners of cuſtoms.

toms. Theſe gentlemen, whoſe officious and incendiary zeal againſt that country had raiſed them to office, were to be diſtinguiſhed more than the firſt men in this country, by an exemption from ſharing in the common burdens of the community.

In 1772, the Judges ſalaries were ordered to be paid out of the extorted revenue, and not by grants from the repreſentatives of the people, as had been the conſtant uſage. Nothing could alarm the people more than this eſtabliſhment, as it ſtruck at once at the very root of the impartial adminiſtration of juſtice. The inhabitants of Boſton ſay in their addreſs to the Governor, that "as the judges hold their places *during pleaſure*, this eſtabliſhment was big with the moſt fatal evils."

Both Governor Bernard and Governor Hutchinſon had repeatedly repreſented the diſcontent and oppoſition, as ariſing from a factious few in Boſton; and that the province in general were averſe to their meaſures, and ſatisfied with their ſituation. To aſcertain the general ſentiments of the people, a committee was appointed at Boſton, to repreſent their ſenſe of grievances to the reſt of the townſhips, and take their opinion upon them. This was accordingly done, the 2d of November 1772. The reſt of the towns concurred moſt unanimouſly in the ſame ſenſe of grievances, and deſire of having them redreſſed.

On the 6th of January 1773, Governor Hutchinſon, in his ſpeech to the two Houſes of Aſſembly, challenges them to a controverſy upon the ſupreme legiſlative authority of parliament. The aſſembly, in their anſwer, take up the queſtion as a point of argument and ſpeculation, refuting his arguments, and controverting his concluſions. It was a queſtion, which, of themſelves, they had never ventured to agitate, and they entered into it now, when publicly provoked to it, with avowed reluctance.—"We have the higheſt reſpect," ſay they, "for that auguſt body the Parliament, and do not preſume to preſcribe the exact limits of its authority. Yet, with the deference that is due to it, we are humbly of opinion, that as all human authority, in the nature of it, is and ought to be limited, it cannot conſtitutionally extend, for the reaſons we have above ſuggeſted, to the levying of taxes in any form on his Majeſty's ſubjects of this province. Theſe are great and profound queſtions. It is the grief of this Houſe, that by the ill policy of a late injudicious

judicious adminiſtration, America has been driven into the contemplation of them. And we cannot but expreſs our concern, that your Excellency by your ſpeech has reduced us to the unhappy alternative, either of appearing by our ſilence to acquieſce in your Excellency's ſentiments, or of thus freely diſcuſſing this point."

The moſt charitable conſtruction of this conduct in the Governor is, that it was prompted by indiſcreet zeal; the moſt probable conjecture is, that it was a ſnare laid for the two Houſes to draw them into ſuch a denial of the ſupreme legiſlative authority of this country, as might expoſe them to its utmoſt indignation. Whether it aroſe from malice or indiſcretion, moſt certainly it was courting the diſcuſſion of a queſtion which common ſenſe and common honeſty would have wiſhed to cover with a ſacred and impenetrable veil. But the two Houſes, though compelled into the diſcuſſion of the right as a ſpeculative point, had no idea of drawing it into queſtion practically. For in March following, the Houſe of Repreſentatives tranſmitted a letter to the ſecretary of ſtate, (the Earl of Dartmouth) in which they thus ſtate the exerciſe of that power, which was queſtionable as to the right and grievous in its operation.

"Your Lordſhip is well acquainted with the ſeveral acts, by which the Britiſh Parliament have thought proper, within a few years paſt, to raiſe a revenue in America, without our conſent. The many and weighty reaſons againſt, and objections to thoſe acts, are ſo well known and underſtood by your Lordſhip, that we ſhall not take off your attention to the great affairs of the nation, by particularly mentioning them at this time: we only beg leave to ſay that we apprehend they tend to injure our commerce and ſubvert our liberties, and therefore are unjuſt, impolitic, and deſtructive of the real intereſt of the whole empire."

The ſame temper and moderation appears in the letter addreſſed by both Houſes to the Earl of Dartmouth.

*Province of the Maſſachuſett's-Bay, June* 29th, 1773.

*My Lord,* *

"THE re-eſtabliſhment of the union and harmony that formerly ſubſiſted between Great-Britain and her colonies is earneſtly to be wiſhed by the friends of both. As your Lordſhip

* The Right Hon. the Earl of Dartmouth.

Lordſhip is one of them, the two Houſes of the Aſſembly of this province beg leave to addreſs you. The original cauſes of the interruption of that union and harmony may probably be found in the letters ſent from hence to adminiſtration, and to other gentlemen of influence in parliament, ſince the appointment of Sir Francis Bernard to the government of this province; and there is great reaſon to apprehend, that he and his coadjutors originally recommended and laid the plans for the eſtabliſhing the American revenue, out of which they expected large ſtipends and appointments for themſelves, and which, through their inſtrumentality, has been the occaſion of all the evils that have ſince taken place.

"When we had humbly addreſſed his Majeſty, and petitioned both Houſes of Parliament, repreſenting our grievances, and praying for the repeal of the revenue acts, the like inſtruments, and probably the ſame, exerted themſelves to prevent thoſe petitions being laid before his Majeſty and the Parliament, or to fruſtrate the prayer of them. Of this we had juſt had ſome new and unexpected evidence from original letters of Governor Hutchinſon and Lieutenant-Governor Oliver; in which the former particularly and expreſsly, by his letter of the 10th of December 1768, endeavoured, in co-operation with Governor Bernard, to fruſtrate a petition of a number of the council for the repealing thoſe acts, and to procure his Majeſty's cenſure on the petitioners; and the letters of the latter, by the diſadvantageous idea conveyed by them of the two Houſes of Aſſembly, manifeſtly tended to create a prejudice againſt any petitions coming from a body of ſuch a character; and his letter of the 11th of May 1768 in particular, mentions the petition of the Houſe of Repreſentatives to his Majeſty, and their letters to divers noble Lords, with ſuch circumſtances as had a tendency to defeat the petition, and render the letters of no effect.

"It is now manifeſt, my Lord, what practices and arts have been uſed to miſlead adminiſtration, both in the firſt propoſal of American revenue acts, and in the continuance of them: but when they had loſt their force, and there appeared, under the influence of your Lordſhip, a diſpoſition in Parliament to repeal thoſe acts, his Excellency Governor Hutchinſon, in his ſpeech at the opening of the laſt ſeſſion of the general court, was pleaſed to throw out new matter

for

for contention and debate, and to call on the two Houſes, in ſuch a preſſing manner as amounted to little ſhort of a challenge to anſwer him. Into ſuch a dilemma were they brought by the ſpeech, that they were under a neceſſity of giving ſuch anſwers to it as they did, or having their conduct conſtrued into an acquieſcence with the doctrines contained in it, which would have been an implicit acknowledgment that the province was in a ſtate of ſubjection differing very little from ſlavery. The anſwers were the effect of neceſſity, and this neceſſity occaſioned great grief to the two Houſes. The people of this province, my Lord, are true and faithful ſubjects of his Majeſty, and think themſelves happy in their connection with Great-Britain.

"They would rejoice at the reſtoration of the harmony and good will that once ſubſiſted between the parent ſtate and them: but it is in vain to expect this happineſs during the continuance of their grievances, and while the charter rights, one after another, are wreſted from them. Among theſe rights is the ſupporting of the officers of the crown by grants from the aſſembly; and in an eſpecial manner, the ſupporting of the judges in the ſame way, on whoſe judgment the province is dependent in the moſt important caſes, of life, liberties, and property. If warrants have not yet been, or if they already have been iſſued, we earneſtly beg the favour of your Lordſhip's interpoſition to ſuppreſs or recal them. *If your Lordſhip ſhould condeſcend to aſk what are the means of reſtoring the harmony ſo much deſired, we ſhould anſwer in a word, that we are humbly of opinion, if things were brought to the general ſtate in which they ſtood at the concluſion of the late war, it would reſtore the happy harmony which at that time ſubſiſted.*

"Your Lordſhip's appointment to be principal Secretary of State for the American department has given the colonies the higheſt ſatisfaction. They think it a happy omen, and that it will be productive of American tranquility, conſiſtent with their rights as Britiſh ſubjects. The two houſes humbly hope for your Lordſhip's influence to bring about ſo happy an event, and in the mean time they can with full confidence rely on your Lordſhip, that the machinations of Sir Francis Bernard, and other known enemies of the peace of Great-Britain and her colonies, will not be ſuffered to prevent or delay it.

"This

"This letter which has been agreed on by both Houſes, is in their name, and by their order, ſigned and tranſmitted to your Lordſhip, by, my Lord, your Lordſhip's moſt obedient, and very humble ſervant,

(COPY.) THO. FLUCKER, Secretary.

In the mean time the repreſentatives of the people have omitted no opportunity of laying their griefs at the foot of the throne, with the moſt humble ſupplications for relief.

Their petition to the King in 1772 ſpeaks thus:—"The inhabitants of this province had long ſhared in the bleſſings of good government under the mild adminiſtration of your Majeſty and your royal predeceſſors, until your Britiſh Parliament ſaw fit to paſs divers acts for the expreſs purpoſe of raiſing a revenue in America, without the conſent of your ſubjects inhabiting therein. It was this that filled the minds of your ſubjects of this province with diſcontent; being grieved that your Majeſty's council ſhould adviſe to a meaſure, which in a great degree deprives them of the rights and liberties of free and natural ſubjects granted to them by the charter. The Houſe of Repreſentatives did, in the year 1768, demonſtrate to your Majeſty this grievous infraction of their deareſt rights of Engliſhmen. Our hearts are too deeply impreſſed with loyalty and affection to your Majeſty's perſon and family to imagine, that a failure of the redreſs then prayed for, can be imputed to any want of paternal regard in your royal mind for all your ſubjects. It becomes us rather to ſuppoſe, that the petition and complaint, unfortunately for us, did not reach the throne."

They repeat the ſame ſubject of complaint in their petition of 1773, in theſe words: "The Parliament of Great-Britain, in which your ſubjects here are not and cannot be repreſented, hath exerciſed a power of raiſing a revenue within the province, to the great grief and diſtreſs of your Majeſty's people, and, we conceive, in repugnance to the royal charter. Your petitioners did, at the laſt ſeſſion of this aſſembly, make their humble ſupplication to your Majeſty, praying the interpoſition of your royal clemency for the redreſs of their grievances; but we know not whether our petition was ever laid before your Majeſty."

Beſides the cauſes of uneaſineſs and irritation already mentioned, ſundry inſtructions have been ſent to the governor of this province, ſince the year 1770, which tended to keep the people in continual alarm and diſcontent. The nature

nature of theſe inſtructions is fully explained in the following extract from a letter of the Houſe of Repreſentatives, to the Earl of Dartmouth.

"We cannot refrain from expreſſing our ſtrongeſt apprehenſions, that the inſtructions which have of late been given to the governor by the miniſtry, if perſiſted in, will entirely deſtroy our liberties, and ſubvert our happy conſtitution. In purſuance of inſtructions, the garriſon of our principal fortreſs, Caſtle-William, has been withdrawn, and a garriſon of his Majeſty's regular troops, over whom the governor has declared he has no controul, placed in their ſtead. By this means the governor has no longer that command of this fortreſs, which he is veſted with by the royal charter. Upon this occaſion we would refer it to your Lordſhip's conſideration, whether the eſtabliſhment of the office, and power of a military commander in chief, not ſubordinate to, but independent of, uncontrouled by, and in ſome inſtances ſuperſeding the power and authorities already granted to the governors and captains-general of the provinces, with a juriſdiction extending over the whole continent of America, is not repugnant to law, and to the principles of prudence and ſound policy; and muſt not be very alarming to all thoſe who have any regard for the liberties of the conſtitution either of Great-Britain, or of the colonies.

"By virtue of inſtructions, the honourable his Majeſty's council are forbid to meet and tranſact matters of a public concern, as a council of advice to the governor, unleſs called by the governor; and if they ſhould ſo meet at any time, the governor is ordered to negative them at the next election'

"Notwithſtanding the charter fully authoriſes and empowers the general court to impoſe and levy proportionable and reaſonable rates and taxes upon the eſtates and perſons of all and every the proprietors and inhabitants of the province, yet the Governor has been inſtructed not to give his conſent to any law or laws, by which the commiſſioners, or any perſon employed in the King's ſervice, whoſe offices have no peculiar relation to this province, ſhall be taxed. This we conceive is repugnant to the privilege granted by charter, which makes the general court the only proper judges, who are to be exempted from taxes.—By inſtruction alſo, the Governor is forbid to give his conſent, upon any pretence whatever, to any vote or order for the payment of

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any ſalary or allowance to any perſon or perſons appointed to negociate the affairs of the province in Great Britain, other than ſuch as ſhall be thereunto appointed by an act of the whole legiſlature, or by a vote of the Houſe of Repreſentatives, to which the Governor and council reſpectively have given their concurrence. Of what ſervice can ſuch an agent be to the province, eſpecially while matters which ſo nearly affect the very fundamentals of the conſtitution are in diſpute. For if he muſt receive his inſtructions from all the branches of the legiſlature, as may, and undoubtedly will be inſiſted on, can it be expected they will agree in a ſet of inſtructions in our preſent critical ſituation? If it ſhould be ſaid that either branch would have a right to inſtruct the agent ſeparately, yet it may happen, eſpecially if the agent be equally obliged to purſue his inſtructions from each branch, that in the moſt important matters the inſtructions will be various and contradictory, which muſt totally deprive us of any benefit from his agency, in all ſuch caſes. In ſhort, it is defeating us of every valuable purpoſe, as we conceive, that might accrue to the province by an agent at the court of Great-Britain. Moreover, with ſuch an agent, under the direction of the three branches, will it not be utterly impracticable for the aſſembly ever to lay before their Sovereign their complaints againſt the corrupt and arbitrary adminiſtration of a Governor? Self-defence, my Lord, whether it regard individuals or bodies of men, is the firſt law of nature. The right of defence includes all means requiſite and proper for that defence, and conſequently a right to appoint and ſupport their own defender. It muſt therefore appear, that the houſe has, more eſpecially when their deareſt rights are at ſtake, a clear and juſt right to appoint an agent for themſelves, without the concurrence of the Governor.

"It muſt be apparent to your Lordſhip, that while our judges hold their commiſſions during pleaſure only, if they are to receive their ſupport from the crown, independent of the free grants of the people, they will be dependent on the crown both for their places and ſupport; and we ſhould ſubmit to your Lordſhip's conſideration, whether this be not a ſituation in which no man could wiſh to be, who is properly impreſſed with a ſenſe of human depravity, or who has a due regard for juſtice. In ſuch a caſe, what deciſions

muſt the people expect, when the diſpute lies between prerogative and privilege?

"We beg your Lordſhip's candid attention to the unhappy circumſtances of the province; and hope the repreſentation we have made of our grievances will meet with a favourable reception. The colonies are far from being inſenſible of their happineſs, in being connected with the mother country, and of the mutual benefits derived from it; and ſhall at all times eſteem it our glory to cultivate, as far as our influence may extend, the warmeſt ſentiments of loyalty and affection to his Majeſty, and to promote a happy union and harmony between the ſubjects of Great Britain and thoſe of the colonies. We are greatly aggrieved. We think it our indiſpenſable duty to point out to your Lordſhip our grievances; we have frequently done it heretofore to adminiſtration. We have failed of ſucceſs. Inſtead of being relieved, our grievances have been increaſed. Our conſtituents are juſtly and univerſally alarmed, and filled with anxious concern at the preſent poſture of affairs."

It is proper to ſay a ſingle word about agency, Mr. De Berdt was appointed by the Houſe only, 7th November 1765; he was admitted, without the leaſt queſtion, as agent, at the Board of Trade, under different adminiſtrations, and Governor Bernard gave his aſſent to a Bill for paying his ſalary ſo late as the year 1768. It happened to be the duty of the agent ſoon after to convey the complaints of his conſtituents to the throne, both againſt the miniſter and the governor. In this buſineſs a faithful honeſt agent was found exceedingly troubleſome. Such repreſentations were therefore made by the governor, and ſuch inſtructions ſent by the miniſter, as incapaciated the Houſe from paying their agent, unleſs they would have one approved of by the very perſons againſt whom it might be his duty to act. This meaſure needs no comment. It is not in human depravity to deviſe an act of more groſs injuſtice, than that of debarring men of the means of defending themſelves when accuſed, or of complaining when injured.

With all theſe repeated diſappointments and accumulated grievances rankling in the minds of the people, the Houſe of Repreſentatives received, through the hands of their agent, ſome original letters written by their Governor and Lieutenant Governor to perſons of influence in England. Theſe letters contained a moſt unfavourable repreſentation

of

of the principles and proceedings of the people, and of their repreſentatives. They called for puniſhment upon individuals, and reſtraints upon the whole by an abridgement of their liberties. The means of altering the charter, and of new modelling the conſtitution of the colony, ſo as to render the crown abſolute, were pointed out with a malignant ability. Strong injunctions were added of the neceſſity of finding out ſome way, "to TAKE OFF the original incendiaries," leſt they ſhould "continue to inſtil their poiſon into the minds of the people."

Theſe letters were read with grief, aſtoniſhment, and indignation. The people viewed the writers of them in the moſt criminal light. They conſidered them as the intentional authors of all their paſt calamities, and the enemies of their future peace and happineſs. What aggravated the crime was, that theſe men were their countrymen, had always profeſſed the warmeſt wiſhes for the welfare of the province and of the people; and in conſequence of thoſe profeſſions, had obtained their higheſt confidence and reſpect. This character was peculiarly competent to one of the letter writers. He was the *Strafford* of his time. The ſecret manner in which the letters had been conveyed, made the treachery tenfold more terrible and offenſive.

The Houſe of Repreſentatives voted an humble petition to the King for the removal of theſe governors, "who had rendered themſelves juſtly obnoxious to the people, and entirely loſt their confidence."—His Majeſty's council in the province reſolved, at the ſame time, that it would be for his Majeſty's ſervice, and the peace of the province to remove them.

This petition was heard before a Committee of the Lords of the Privy Council, where an illiberal lawyer was hired and permitted to abuſe the petitioners and their agent, in the groſſeſt terms ſcurrility could invent; and the Lords reported, "That the petition was groundleſs, vexatious and ſcandalous, and calculated only for the ſeditious purpoſes of keeping up a ſpirit of clamour and diſcontent in the province. That nothing had been laid before them which did or could, in their opinion, in any manner, or in any degree impeach the honour, integrity or conduct of the governor or lieutenant governor."

It is curious to obſerve, that Mr. Hutchinſon, in his hiſtory, has deſcribed his own ſituation in that of Governor

Dudley, in the year 1705. "The people (ſays he) in general, looked upon him as an enemy, even to the privileges of the new charter. Sir *Henry Aſhurſt procured* an original letter, wrote by the governor's ſon *Paul*, who was then Attorney general, to Mr. *Floyd*, and ſent it to *New England*, in which were theſe expreſſions, *the government and college are diſpoſed of here in chimney corners, and private meetings, as confidently as can be—This country will never be worth living in, for gentlemen and lawyers, till the charter is taken away.* Copies were diſperſed about the province, and the letter was ſoon after printed."

Sir Henry Aſhurſt was agent for the province, and a man of high character, credit, and honour. Mr. Hutchinſon paſſes no cenſure on this action, neither does it appear to have been cenſured at the time. Not that Wedderburns were wanting, but that the times did not countenance their ſcurrility.

In December 1773, a large quantity of tea, ſhipped by the Eaſt India company, with the duty impoſed by Parliament to be paid in America, arrived at Boſton. All the colonies to which the tea under the ſame circumſtances was deſtined, had publicly reſolved that it ſhould not be admitted. The directors of the Eaſt India company had been forewarned of its fate, and an offer made before it was ſhipped to pay the duty here. But the tea was deſtined to produce the commotions it occaſioned, and the offer was rejected. The people met in Boſton, and inſiſted on the tea being ſent back. The governor refuſed to permit the ſhip to return, upon which ſome perſons in diſguiſe deſtroyed it in the night. It is manifeſt that the governor intended to urge them to this extremity, or elſe he would have acted, as General Haldimand writes he expected Governor Tryon would do, "to prevent dangerous extremities, rather chuſe to permit the teas to be ſent back to England." The ſame was permitted at Philadelphia, and the tea actually ſent back on the 27th of December, General Haldimand declares this was the determination of every colony. "The ſeveral governors (ſays he) of other provinces, will undoubtedly make your Lordſhip acquainted with the oppoſition intended, and made in their reſpective governments againſt the landing the tea; the whole proceeding from an almoſt unanimous reſolution not to pay any new duties or taxes laid by the Parliament of Great Britain."

Governor

Governor Hutchinſon's ſon, and his near relation were the conſignees of the tea, and the perſons moſt intereſted in the ſale of it. As the conſignees had refuſed to reſign the tea, their windows were broke by the mob. Upon this they applied to his Majeſty's council for protection, who came to the following report upon the application.

"In council Nov. 27, 1773, the petition of Richard Clark, Eſq; and others (to whom the Eaſt India company have conſigned a quantity of their tea) being referred to this day, the ſame was taken up; and after long debates, Mr. Danforth, Mr. Bowdoin, Mr. Dexter, and Mr. Winthrop, were appointed a committee thereon, who reported, and the report after debate was referred for further conſideration to Monday next, at ten o'clock, A. M.

"Monday, Nov. 29, 1773. The ſaid report was again conſidered, and after ſome amendment unanimouſly agreed to. It is as follows:

"Previous to the conſideration of the petition before the Board, they would make a few obſervations occaſioned by the ſubject of it. The ſituation of things between Great Britain and the colonies has been for ſome years paſt very unhappy. Parliament on the one hand has been taxing the colonies, and they on the other have been petitioning and remonſtrating againſt it; apprehending they have conſtitutionally an excluſive right of taxing themſelves, and that without ſuch a right their condition would be but little better than ſlavery. Poſſeſſed of theſe ſentiments, every new meaſure of Parliament, tending to eſtabliſh and confirm a tax on them, renews and increaſes their diſtreſs; and it is particularly increaſed by the act lately made, empowering the Eaſt India company to ſhip their tea to America.

"This act in a commercial view they think introductive of monopolies, and tending to bring on them the extenſive evils thence ariſing: but their great objection to it is from its being manifeſtly intended (though that intention is not expreſſed therein) more effectually to ſecure the payment of the duty on tea, laid by an act paſſed in the 7th year of his preſent Majeſty, intitled, 'An act for granting certain duties in the Britiſh Colonies and Plantations in America;' which act in its operation deprives the coloniſts of the right abovementioned (the excluſive right of taxing themſelves) which they hold to be ſo eſſential an one, that it cannot be taken away, or given up, without their being degraded, or de-

grading themſelves below the character of men. It not only deprives them of that right, but enacts that the monies ariſing from the duties granted by it may be applied "as his Majeſty or his ſucceſſors ſhall think proper or neceſſary, for defraying the charges of the adminiſtration of juſtice, and the ſupport of the civil government, within all or any of the ſaid colonies and plantations."

"This clauſe of the act has already operated in ſome of the colonies, and in this colony in particular, with regard to the ſupport of civil government, and thereby has operated in diminution of its charter rights, to the great grief of the good people of it, who have been, and ſtill are, greatly alarmed by repeated reports, that it is to have a further operation with reſpect to the defraying the charge of the adminiſtration of juſtice, which would not only be a further diminution of thoſe rights, but tend in all conſtitutional queſtions, and in many other caſes of importance, to bias the judges againſt the ſubject. They humbly rely on the juſtice and goodneſs of his Majeſty for the reſtitution and preſervation of thoſe rights.

"This ſhort ſtate of facts the Board thought neceſſary to be given, to ſhew the cauſe of the preſent great uneaſineſs, which is not confined to this neighbourhood, but is general and extenſive. The people think their excluſive right of taxing themſelves by their repreſentatives infringed and violated by the act above-mentioned; that the new act, empowering the Eaſt India company to import their tea into America, confirms that violation, and is a new effort, not only more effectually to ſecure the payment of the tea duty, but lay a foundation for the enhancing it; and in a like way, if this ſhould ſucceed, to lay other taxes on America; that it is in its attendants and conſequences ruinous to the liberties and properties of themſelves, and their poſterity; that as their numerous petitions for relief have been rejected, the ſaid new act demonſtrates an unwillingneſs in miniſtry that parliament ſhould grant them relief; that this is the ſource of their diſtreſs that borders on deſpair; and that they know not where to apply for relief.

"Theſe being the ſentiments of the people, it is become the indiſpenſable duty of the Board to mention them, that the occaſion of the late demands on Mr. Clark and others (the agents for the Eaſt India company) and of the conſequent diſturbances, might appear: and we mention them, not

not to juſtify thoſe diſturbances, the authors of which we have adviſed ſhould be proſecuted, but to give a juſt idea of the riſe of them.

"On this occaſion, juſtice impels us to declare, that the people of this town and province, though they have a high ſenſe of liberty, derived from the manners, the example and conſtitution of the mother country, have, till the late parliamentary taxations of the colonies, been as free from diſturbances as any people whatever.

"This repreſentation the board thought neceſſary to be made prior to their taking notice of the petition of the agents above-mentioned; to the conſideration of which they now proceed.

"The petitioners 'beg leave to reſign themſelves, and the property committed to their care, to his Excellency and the board, as guardians and protectors of the people, praying that meaſures may be directed to for the landing and ſecuring the tea, &c.' With regard to the perſonal protection of the petitioners, the board have not been informed, that they have applied for it to any of the juſtices of the peace; within whoſe department it is to take cognizance of the caſe of the petitioners, and of all other breaches of the peace; they being veſted by law with all the authority neceſſary for the protection of his Majeſty's ſubjects. In the principal inſtance of abuſe,* of which they complain, the board have already adviſed, that the authors ſhould be proſecuted according to law; and they do adviſe the ſame in the other inſtances mentioned in their petition.

"With regard to the tea committed to the care of the petitioners, the board have no authority to take either that or any other merchandize out of their care; and ſhould they do it, or give any order or advice concerning it, and a loſs enſue, they apprehend they ſhould make themſelves reſponſible for it. With reſpect to the prayer of the petition, "that meaſures may be directed to for landing and ſecuring the tea," the board would obſerve on it, that the duty on the tea becomes payable, and muſt be paid, or ſecured to be paid, on its being landed. And ſhould they direct or adviſe to any meaſure for landing it, they would of courſe adviſe to a meaſure for procuring the payment of the duty, and therefore be adviſing to a meaſure inconſiſtent with the declared

* Some of their windows were broken.

declared ſentiment of both Houſes in the laſt winter ſeſſion of the general court, which they apprehend to be altogether inexpedient and improper.

"The board, however, on this occaſion aſſure your Excellency, that as they have ſeen, with regret, ſome late diſturbances, and have adviſed to the proſecuting the authors of them, ſo they will, in all legal methods, endeavour, to the utmoſt of their power, to prevent them in future.

"Whereupon adviſed, That his Excellency renew his orders to his Majeſty's juſtices of the peace, ſheriffs, and other peace officers, to exert themſelves to the utmoſt for the ſecurity of his Majeſty's ſubjects, the preſervation of peace and good order, and for preventing all offences againſt the law."

On the 18th of February, 1774, the whole Houſe of Repreſentatives waited on the governor with a ſecond petition, for the removal of the chief juſtice, who had rendered himſelf incapable, by accepting a ſalary from the crown, at whoſe will he alſo held his place. They ſay, "Your Excellency will pleaſe to conſider that this Houſe is well acquainted with the general ſenſe of their conſtituents in this matter; and we can now aſſure you, that the continuance of the chief juſtice in this place, will increaſe the uneaſineſs of the people without doors, and endanger the public tranquility. We therefore earneſtly intreat your Excellency, that while we are in this inſtance employing the powers with which we are entruſted in promoting the tranquility and good order of government, 'we may,' agreeably to your declaration in your ſpeech to both Houſes, 'find that you are ready to give your conſent to a requeſt of the Houſe intended for that and other great and important purpoſes:' and that your Excellency will immediately take every ſtep for the removal of the chief juſtice from the ſuperior court."

The governor returned them a poſitive denial, accompanied with a curious piece of equivocation. The Houſe had prayed that he would take the advice of his Majeſty's council upon their petition, conformable to the charter.——To which he anſwers, That though he was by charter to act with the advice and aſſiſtance of his council, yet the ſummoning of the council was *in his diſcretion*. Thus was the protective proviſion of the charter effectually evaded.

This

This is a full and fair ſtate of the proceedings in and reſpecting the province of the Maſſachuſett's-Bay, from the year 1762 to 1774.

The candid reader will judge what cauſes of diſcontent have been given them, and whether they have operated beyond their natural bounds. If they have been particularly unquiet, they have alſo been particularly irritated. Imagining ourſelves in their ſituation, will I believe, prevent us from ſeverely cenſuring their conduct.

It is manifeſt that they have conſtantly expreſſed their complaints in petitions conceived in the moſt meaſured language of ſubordination and reſpect. That they have repeatedly acknowledged the ſupreme legiſlative authority of parliament. That the only inſtance in which they ſeem to have queſtioned it, was in a mere ſpeculative diſpute, purpoſely provoked by the governor. That the conſtant ſubjeſt of their complaints has been the having their money taken from them without their conſent; the ſubſtituting a dependent judge, bribed by being paid out of the forfeitures, to determine in all cauſes of revenue, by the rules of the civil law, and without a jury; and the violation of their ſecurity in the due adminiſtration of government and of juſtice, by rendering the governor and judges *totally* dependent on the crown. That their wiſh has been to return the ſtate in which they were before the paſſing theſe laws and ſending theſe inſtructions, and not to become independent of Great Britain. This appears not only from their repeated and authentic declarations, but from Governor Hutchinſon's letters. 'The enemies of government (ſo is he pleaſed to ſtile the Council, the Houſe of Repreſentatives, and the people) gave out, that their friends in parliament were increaſing, and all things would be ſoon on the old footing; in other words, that all acts impoſing duties would be repealed, the commiſſioners board diſſolved, the cuſtoms put on their old footing, and illicit trade be carried on with little or no hazard.' The malignity of this reflection upon the people, will plainly appear from the following declaration of Governor Bernard, whoſe teſtimony in their favour will hardly be queſtioned. 'I do not pretend, ſays he, that this province is *entirely* free from the breach of thoſe laws (of trade,) but only, that ſuch breach, if diſcovered, is *ſurely puniſhed*.' What more can be ſaid of the beſt country upon earth? Yet Governor Hutchinſon does not ſcruple to charge them with having

having been all ſmugglers, and to throw an odium upon their ſtruggling for their rights by the imputation of their ſole object being to renew that illicit trade with impunity.

It muſt alſo appear from their proceedings, that their great crime has been their conſtancy in petitioning for redreſs of grievances; which has been attempted to be repreſſed, even by the moſt unjuſtifiable means of refuſing them an agent to vindicate them when miſrepreſented, and ſupport their complaints. While this common right of juſtice is denied them, perſons are notoriouſly hired here to load them in the public papers with every ſpecies of opprobrium, falſhood, and abuſe. There are two things which deſerve the moſt particular attention: 1ſt, That whenever affidavits were taken on the part of the people, they were taken in public, with ſummonſes to all perſons concerned to attend, and croſs examine the witneſs: on the contrary, thoſe which were obtained by the governor and commiſſioners, accuſing the people, were made in ſecret, the perſons accuſed unapprized and totally ignorant of the proceeding, they were tranſmitted in ſecret, and the injured perſons by mere accident, and after they had operated to their hurt, had an opportunity of ſeeing and refuting them. The inſtances on both ſides will be found in the affidavits taken on the ſeizure of the ſloop Liberty, and the riot, and in Mr. Oliver's affidavit, and the narrative of the town, reſpecting the maſſacre on the 5th of March. 2d. That the chief and almoſt only continual witneſſes againſt the people, are, the Governors Bernard and Hutchinſon: the former of whom has long laboured under an accuſation upon oath of groſs corruption in his office; the latter has been detected in the baſeſt plot againſt their liberties; and both are at open enmity with the people, having been petitioned againſt by their repreſentatives, as univerſally odious. How far the repreſentatives of men ſo circumſtanced can be preſumed fair and impartial, or deſerve credit, muſt be left to the candid to determine.

We have ſeen their petitions either intercepted, or treated with a contemptuous ſilence, or anſwered with the ſevereſt cenſures. Seven years ſupplication has brought no relief. And now, to fill up the meaſure of their misfortunes, their port is ſtopt up, their charter is to be ſubverted, and a lawleſs army let looſe upon them. They have been tried, condemned and puniſhed, unheard and unapprized of the whole proceeding.

proceeding. They are left to weep over their apprehenſions, realized in the utter ſubverſion of their liberties. This accumulation of calamities is heaped upon them, becauſe high and ſtrong reſentments, as they naturally muſt, have followed ſevere and reiterated injuries: becauſe diſcontent has ariſen from diſappointed and deſpiſed complaints; and violence from inſulted diſcontent.

Whoever will take the trouble of reading, in the hiſtory of this moſt meritorious and unhappy people, the unparalled hardſhips with which they purchaſed thoſe liberties we have now torn from them; and view the deplorable, the deſperate ſituation, to which they are now reduced—however obdurate, however prejudiced he may be, he muſt think, at leaſt, *one human tear may drop, and be forgiven.*

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